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JOURNAL

OF

THE COUNCIL.

FIRST SESSION

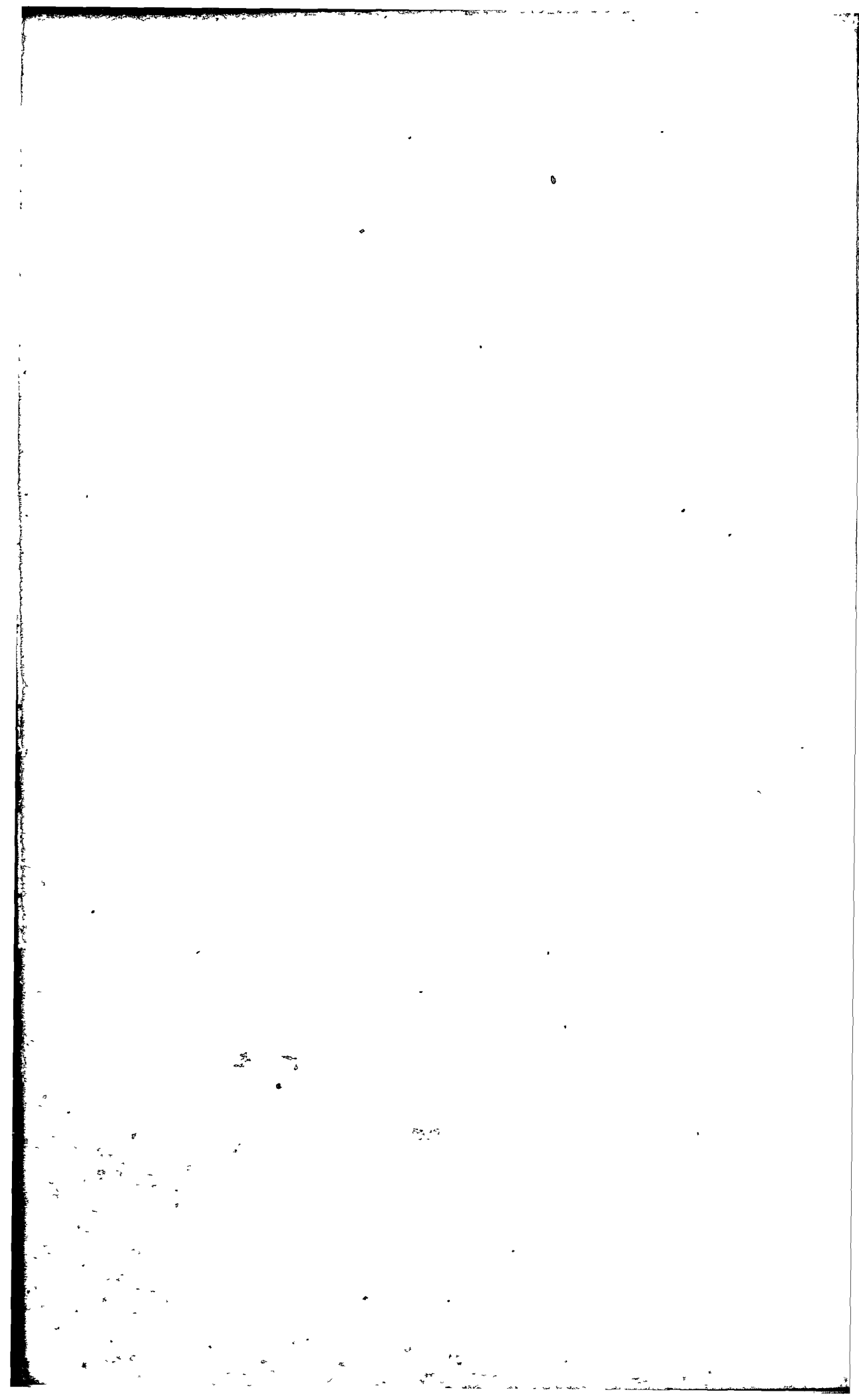
OF THE SECOND

LEGISLATIVE ASSEMBLY OF WISCONSIN,

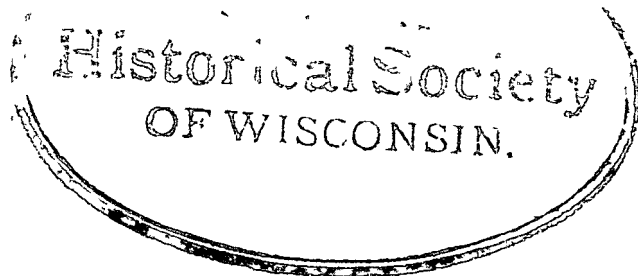
BEGUN AND HELD AT MADISON, ON MONDAY THE TWENTY-SIXTH DAY
OF NOVEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND
EIGHT HUNDRED AND THIRTY-EIGHT.

JOSIAH A. NOONAN, MADISON, W. T.

1838.



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JOURNAL

OF THE

COUNCIL.

Legislative Assembly of Wisconsin Territory:

BEGUN and held at Madison, the seat of Government, on Monday, the twenty-sixth day of November, in the year of our Lord one thousand eight hundred and thirty-eight, pursuant to an act of the Congress of the United States, approved 20th April, 1836, entitled "An act establishing the Territorial Government of Wisconsin."

On which day, being that fixed by the Proclamation of the Governor, dated the thirteenth of July last, for the first meeting of the Legislative Assembly, under the new organization thereof, as constituted by the nineteenth section of an act of the Congress of the United States, approved June 12th, 1838, entitled "An act to divide the Territory of Wisconsin, and to establish the Territorial Government of Iowa," the following named members of the Council appeared and took their seats, viz :

From the county of Brown.—Alexander J. Irwin and Morgan L. Martin.

From the counties of Milwaukee and Washington.—Daniel Wells, junior, and William A. Prentiss.

From the county of Racine.—William Bullen and Marshall M. Strong.

From the counties of Rock and Walworth.—James Maxwell.

From the counties of Green, Dane, Jefferson and Dodge.—Ebenezer Brigham.

From the county of Iowa.—James Collins and Levi Sterling.

From the county of Grant.—James R. Vineyard and John H. Roundtree ; and,

From the county of Crawford.—George Wilson.

On motion of Mr. Martin,

William Bullen was appointed President, pro tem.

On motion of Mr. Irwin,

George Beatty was appointed Secretary, pro tem.

On motion of Mr. Martin,

J. G. Knapp was appointed Sergeant-at-Arms, pro tem.

On motion of Mr. Vineyard,

Ordered, That a committee of three be appointed to wait on the Governor and inform him that the Council are now in organization, pro tempore, and ready to be sworn into office.

Messrs. Vineyard, Martin and Strong, were appointed said committee.

The committee retired, and in a short time after reported the attendance of the Governor ; by whom, the oath, to support the Constitution of the United States, and to discharge the duties of their office with fidelity and ability, was administered to each of the members.

On motion of Mr. Collins,

The Council adjourned until to-morrow at 10 o'clock, A. M.

Tuesday, November 27, 1838.

On motion of Mr. Collins,

Resolved, That a committee of two be appointed, to act in conjunction with a similar committee, to be appointed by the House of Representatives, to wait on, and inform His Excellency, the Governor of the Territory, that the two Houses of the Legislative Assembly are now in organization, pro tempore, and ready to receive any communication he may see fit to make to them.

Messrs. Collins and Brigham were appointed the committee.

Ordered, That the Secretary inform the House of Representatives thereof, and request their concurrence therein.

On motion,

Ordered, That the standing rules of the Council for the last session, be adopted for the government of the Council at its present session, until otherwise directed.

On motion of Mr. Brigham,

Ordered, That a committee of three be appointed to revise the standing rules of the Council, and report such amendments as may be necessary thereto.

Messrs. Brigham, Lamm and Wells were appointed the said committee.

Messrs. Childs and Ballwey, from the House of Representatives, were introduced, and informed the Council that the House was now temporarily organised, and ready to proceed to business.

On motion of Mr. Irwin,

Ordered, That a committee of two be appointed to inform the House of Representatives, that the Council are now in organization, pro tempore, and ready to proceed to business.

Messrs. Irwin and Wilson were appointed the committee; who immediately retired, and after a few minutes returned, and reported they had discharged that duty.

The Clerk of the House of Representatives was introduced, and delivered the following message:

"Mr. President,—The House of Representatives have passed resolutions as follows, in which they request the concurrence of this Council, viz:

"Resolution, appointing a committee, to act in conjunction with a similar committee on the part of the Council, to inform the Governor that the two Houses of the Legislative Assembly are temporarily organized, and ready to receive any communication he may have to make to them.

"Resolution, appointing a joint committee to examine into, and report the present condition of the public buildings, together with the probable accommodations to be furnished the members of the Legislative Assembly.

"And have appointed Messrs. Stokes and Barber the committee under the first resolution, and Messrs. Sutherland and Barber under the last."

And then he withdrew.

The resolution of the House of Representatives, appointing a joint committee to examine into and report the present condition of the public buildings, together with the probable accommodations to be furnished the members of the Legislative Assembly, having been read,

On motion of Mr. Irwin,

Ordered, That the Council do concur therein, and that the House of Representatives be informed accordingly.

Messrs. Rountree and Prentiss were appointed the committee on the part of the Council.

Mr. Collins, from the joint committee appointed to wait on the Governor, and inform him that the two houses are now temporarily organized, and ready to receive any communication he may have to make to them, reported that the committee had performed the duty assigned them, and that they had received for an answer that the Governor would meet the two houses in the Representatives Hall, in thirty minutes, to deliver his message.

Mr. Brigham offered the following :

Resolved, By the Council and House of Representatives of the Territory of Wisconsin, that Josiah A. Noonan be employed to execute all the incidental printing of the Legislative Assembly, during its present session.

Laid on the table for one day.

On motion of Mr. Irwin,

Ordered, That the members of the Council do now proceed to the Representatives Hall to hear the message of the Executive.

Whereupon, the Council proceeded to the Representatives Hall, and heard the following message :

*Fellow Citizens of the Council
and House of Representatives :*

You are convened under a new organization of the Legislative Assembly in conformity with the provision of the 19th section of the act of Congress, creating the Territory of Iowa and prescribing her form of government. The division of this Territory I consider of the first importance to the welfare and future prosperity of both the people of Wisconsin and Iowa. From the great extent of Wisconsin before the division, and the diversified interests and pursuits of her citizens, it was difficult to enact such laws as were suited to their wants and condition. As you have recently been elected the representatives of the people, you will bring with you a knowledge of the wants and wishes of your constituents. To legislate for enlightened freemen is surely one of the most responsible duties that can devolve on members of the same community. I trust that a spirit of harmony will govern your intercourse in your legislative duties, and that no sectional jealousies will arise to prevent that union of feeling and concert of action so necessary to promote the general welfare of the People of this young and prosperous Territory.

By the organic law of Congress creating the Territory of Iowa, the members of the Council are elected for the term of two years, and for the House of Representatives for the term of one year. This provision of the organic law creating that Territory, is more consonant with the spirit of our republican institutions and the rights of the people of Wisconsin, than the election of members of the legislative assembly for the term of four and two years, agreeable to the provisions of the organic law, creating the Territory. It is well known that the tide of emigration flows to this Territory in the spring and autumnal seasons of the year, and the citizens who thus arrive and locate themselves, cannot exercise the right of suffrage, till the end of the quadrennial period, in relation to the Council, and the biennial period, in relation to the House of Representatives ; yet they are subject to laws enacted by a body in whose election they have no voice. I respectfully recommend to the Legislative Assembly, the justice and propriety of memorializing Con-

gress, asking them to amend the organic law of this Territory so that the Council may be composed of members elected every second year, and the House of Representatives, to be composed of members elected annually.

At the last session of Congress, a bill was introduced in the House of Representatives for the admission of this Territory as one of the States of this Union, which was postponed for want of time. I recommend the early action of the Legislative Assembly on that important subject. The wishes of the people of this Territory should be consulted at an early period, and if the majority of them determine in favor of a State Government, it should be established. The admission of Wisconsin as one of the independent States of the confederacy, at an early period, would be productive of much good to her inhabitants, they would be represented in both branches of the national Legislature; and her citizens would equally participate in the enjoyment and advantages of a state government, when the voice of the people would be the foundation of their rights. From the great extent of this Territory, the fertility of her soil, the salubrity of her climate, with the great lakes Michigan and Superior, on the east and north; and the "Father of Rivers," on the west; with her inexhaustible treasure of minerals, composed of lead and copper; with her extensive forests of pine, and abundantly supplied with water privileges, with every natural facility for forming a general system of internal improvement, between the Mississippi and the Lakes—our inland seas—supported by the fostering care of this patriotic and enlightened Administration; with the intelligence, industry, and enterprise of her citizens, her "march will be onward," and the time is not distant when she will form a strong link in the chain of states in the great valley of the Mississippi.

I respectfully recommend to the Legislative Assembly the passage of a law creating a tax on the Lands of non-residents, for the purpose of forming a fund to be applied exclusively for the establishment and support of Common Schools in this Territory, upon such a system as may be devised by the Legislative Assembly. This fund to be expended under the direction of commissioners to be appointed for that purpose. By the 6th section of the organic law creating this Territory, it is provided that the lands or other property of non-residents shall not be taxed higher than the lands or other property of residents. The power is given by Congress to the Legislative Assembly, to pass laws on all rightful subjects of legislation, not inconsistent with the organic law. The most favorable construction should be given by the Legislative Assembly in the exercise of the powers delegated to them by Congress, that will best promote the common good of the people of this Territory. A well digested system of common schools established in this Territory, would contribute more to the benefit of the rising generation than any measure that could be presented for the consideration of the Legislative Assembly. The benefit of such a system to

the poorer classes of the community would tend to that equality among the people which is so essential to their harmony, and so consonant with the spirit of our republican institutions. Its happy influence over the morals of our citizens would promote the cause of Religion and Virtue, and cement more closely the bonds of our political union, and be the means of preparing the rising generation to participate in the councils of our common country, as well as to enjoy and defend our free institutions from the polluting touch of aristocracy and despotism.

I respectfully recommend the appointment of a joint committee from both houses of the Legislative Assembly with instructions to investigate the state and condition of the several Banks in this Territory, and to make their reports during the present session. If the banking institutions, have violated their charters, it should be known to the people of the Territory; and the proper steps taken to arrest a course so injurious to the best interests of the community. On the contrary, if they have acted in good faith, and not in violation of their banking privileges, it is important to their credit that it should be known to the public. It is a well established fact, that banking corporations have it in their power, and do practice the most gross frauds upon the public, by expanding and contracting their issues of bank notes, as best suit the interests of bank stockholders; and frequently, by making excessive issues of their bank notes when they have no means of redeeming them. From the present state of the currency of this Territory, it would seem that a just regard for the rights of the people, requires that their representatives should take such steps, as will secure them a good currency, and you may rely on my co-operation in support of such measures as will aid in effecting that desirable object.

By an act of the Congress of the United States approved June 12th, 1838, there has been granted to this Territory and the future State of Wisconsin, for the purpose of aiding in the construction of a canal to unite the waters of Lake Michigan at Milwaukee with those of Rock River, alternate sections of land five miles on each side thereof, containing one hundred and sixty-six thousand four hundred acres. From the liberal provision of this grant of land it may be considered as the commencement of a system of internal improvement, under the fostering protection of the Government, which will have the most beneficial results in promoting the future welfare and prosperity of the people of Wisconsin, by opening a direct communication between the waters of Lake Michigan, with those of the Mississippi, by the Rock River, which is the most practicable southern route, passing through a fertile region of country, well adapted to agricultural purposes. The completion of the contemplated canal will be the means by which the products of the mining region of Wisconsin, can be more readily conveyed to the eastern markets, which now take a much longer and more circuitous route by the way of New Orleans.

By the 3d section of the act of Congress, making the appropriation

for the Milwaukee and Rock River Canal, it is enacted that the alternate sections, and fractional sections of land which shall remain to the United States agreeable to the first section of the act, shall not be sold for a less sum than two dollars and fifty cents per acre, nor be subject to pre-emption. I recommend to the Legislative Assembly the propriety of memorializing Congress asking the extension of the right of pre-emption to all actual settlers, on the line of the canal, who would have been entitled to the benefit of a law passed at the last session of Congress granting the right of pre-emption to the occupants on the public lands. I deem it an act of justice, to the settlers on the line of the contemplated canal, that they should be placed on the same ground, they would have occupied had they been located without the limits of the canal lands, and that the right of pre-emption should be granted them at the minimum price of the public lands. When they made their settlements they no doubt believed they would participate in common with their fellow citizens, in purchasing their homes at the Government price. They have had, in common with other settlers on the public lands to encounter a series of harrassing difficulties, incident to the formation of new settlements; they have by their energy and industry enhanced the value of the lands of the United States in the immediate vicinity of the contemplated canal route, and are entitled, upon principles of justice as well as the usage of Government, to the favorable consideration of Congress. It has been the policy of the Government to extend every possible indulgence heretofore, to the occupants of the National domain. This policy is wise and just. The Government lands should be sold to the settlers alone, graduating their price according to their value; we would then have a population, owners of the soil, attached to the republican institutions of our country. The desert itself in a few years would become a fruitful field, and where the unsubdued forest now stands, we would see a free, enterprising population. Large tracts of country in this Territory have been purchased by individual speculators, or by companies, who permit them to lay waste, until they will command the highest prices, thereby retarding the settlement of the Territory.—The true value of the soil can only be explored by labor, and the public lands should cease to be an object of speculation when they are so much required for agricultural purposes.

I respectfully recommend to the Legislative Assembly, the propriety of memorializing Congress, at an early day of their session, asking that the sum of two hundred and fifty thousand dollars might be appropriated for the construction of harbors and light houses, at the most important points on Lake Michigan, where surveys have been made by the United States' Engineers, and favorably reported to the Government, showing their importance to the public, and the practicability of their improvement. The rapidity with which the settlements on the lake shores advance, shows the commercial interest in that part of the

Territory; and it has always been the established policy of the Government to afford every facility and protection to commerce, by diminishing, as much as possible, the dangers of navigation in all parts of the country, to which our commerce is extended. The great increase of shipping upon Lake Michigan within the last two years, can be accounted for by the increased settlements formed on the lake border. From Chicago, in the State of Illinois, to the mouth of Green Bay, is a distance of about four hundred and fifty miles by water; yet there are no preparations for the safety of vessels on that shore; they are exposed to the winds and waves of the whole western coast of Lake Michigan, at the great risk of the lives and property of our citizens. From the increased commercial importance of the town of Milwaukee, and its location near the centre of the western shore of Lake Michigan, at the mouth of Milwaukee River, where nature has done much towards making a safe harbor, and is now the outlet of a great extent of fertile country, a part of which is now offered for sale by the Government, the United States' Engineer has estimated the whole cost of the harbor at the sum of ninety-two thousand one hundred and eighty-three dollars and fifty cents. That amount is surely a small sum for the construction of a harbor at that important point, which is so necessary for the protection of the lives, and the security of the property of our citizens. A large amount has already been received in the national treasury from the proceeds of the sales of the public lands on the shores of Lake Michigan, and the public lands are again offered for sale on the lake border; and it would seem, if a just regard was paid to the rights of the people, and the interest of the Government, that a part of the proceeds of the sales of the public lands, should be appropriated by Congress for the construction of harbors and light houses on the shores of Lake Michigan. The public lands would be enhanced greatly in value thereby, and increased facilities afforded emigrants in the settlement of the lake country.

I respectfully recommend to the Legislative Assembly the propriety of memorializing Congress, asking a donation of one hundred and fifty thousand acres of land, to be sold, and the proceeds to be applied under the direction of the Legislative Assembly in such a manner as they may direct for the improvement of the Fox river of Green Bay, the Rock and Pekatoneca rivers, and connecting the waters of Rock river, through the Four Lakes, with those of the Wisconsin river.—The improvement of the navigation of the Fox River and the Wisconsin river at the Portage, the distance of one and one-fourth miles, would be the means of opening a direct northern communication between Lake Michigan and the Mississippi. The important results that would flow from the accomplishment of that work to the people residing on the borders of the Fox and Wisconsin rivers, must be apparent. The rich and fertile country bordering on these rivers would be open to the enterprising emigrant. The people of the Upper Mis-

Mississippi and the extensive settlements which are now forming on Lake Michigan, and the settlers who occupy the intermediate country would be alike benefited. A direct communication would be open to the Eastern markets for our lead and shot, manufactured near the Wisconsin river. The United States Engineer charged with the survey of the Fox river, has made a favorable report to Government, as to the importance, and practicability, of the navigation of that river.— Steam-boats have navigated the Wisconsin river, during the past and present seasons without obstruction, as far as the Portage of the Wisconsin and Fox rivers. The canal commenced two years since, to connect the waters of the Fox and Wisconsin rivers was suspended during the last season. The company chartered for that purpose have again resumed their operations this season, and the early completion of that important work may be expected. In my message to the Legislative Assembly, in 1836, I called their attention to the important subject of Internal Improvements, and will now repeat what my views were at that time, on the subject of connecting the waters of Rock river with those of Wisconsin: "The improvement of the navigation of the Rock river, I consider a subject of vital importance to the future prosperity of this Territory. This river waters a large extent of fertile country; a small appropriation by Congress would be sufficient to remove the obstructions in its navigation. It is known, from the outlet of the Four Lakes, that discharges itself into the Rock river, it is not more than twelve miles by land; and from the Fourth Lake not more than sixteen miles to the Wisconsin river. Indians have frequently descended in canoes in high-water, from the Fourth Lake to the Wisconsin river. The great advantage of this inland communication must be apparent; it would greatly enhance the national domain, in that part of the Territory, and increase the value of land purchased by individuals from the Government."

The location of Madison, the capital of Wisconsin between the third and fourth lake, is the best evidence of the importance of this part of Wisconsin. The opening a direct water communication between the Rock and Wisconsin rivers would be of the first importance to the growth and prosperity of Madison and the country adjacent.— The improvement of the navigation of the Fox, Rock and Pecatoneca rivers, and the connected navigation of the Fox and Wisconsin rivers, and the uniting the waters of the Rock river with those of the Wisconsin, through the Four Lakes, is a subject of great interest and of vital importance to the future growth and prosperity of Wisconsin. The practicability of the improvement of the navigation of those rivers, by means of a small appropriation from Congress, will be readily admitted by all who are acquainted with, and have a minute knowledge of the country through which they pass.

I have proposed to the Legislative Assembly to ask of Congress a donation in land, believing the Government would more readily appro-

pritate land than money. From the extent of the grant of land made by the Government for opening the Milwaukee and Rock River Canal, I consider that donation of land as establishing a precedent that would have a favorable bearing in the action of Congress, on that subject.— Should the representatives of the people devise a different plan to obtain these appropriations from Congress, for the completion of the important objects I have briefly presented for their consideration, they will have my most hearty concurrence.

I respectfully recommend to the Legislative Assembly the propriety of memorializing Congress, asking that the sum of one hundred thousand dollars, may be appropriated for the removal of the obstructions to the navigation of the Mississippi at the upper and lower rapids.— This important work was commenced this season at a low stage of the river, and but little progress made towards its completion. The appropriations heretofore made by Congress have been entirely too small, considering the importance of this work. Twenty thousand dollars was the whole amount appropriated by Congress, at their last session, for the improvement of the navigation of the Mississippi, above the mouth of the Missouri. At the last session of Congress the sum of seven millions six hundred and twenty-one thousand dollars was appropriated for the improvement of harbors and rivers, and the erection of works for the security and protection of navigation. No appropriation was made by Congress for the construction of harbors and light-houses in this Territory. More than ten millions of pounds of lead is shipped annually, over the Upper Mississippi Rapids, from the Lead Mines of Wisconsin. It is well known that the greater part of the supplies of every kind, for the inhabitants residing in the lead region of country, passes the rapids during the fall months, when the river is generally at its lowest stage. The inhabitants of the counties bordering on the Mississippi in this Territory, are greatly interested in the removal of the obstructions to navigation in the Upper Mississippi. The delay in lightening steam-boats to enable them to pass the rapids at a low stage of the river, and the loss of property, is believed to be equal to fifteen per cent. this season on the whole amount shipped.— It is not alone the people of this Territory who are interested in the completion of this important work. The people of the Territory of Iowa and the State of Illinois are equally interested.

At the last session of Congress ten thousand dollars was appropriated for the construction of a Territorial Road from Milwaukee, by the way of Madison, to a point on the Mississippi, in this Territory, opposite to Du Buque in the Territory of Iowa.

The sum of two thousand dollars was appropriated by Congress for surveying and marking the most eligible route for a Rail Road between Milwaukee and the Mississippi. The completion of a road from Lake Michigan to the Mississippi would be productive of the most beneficial effects, and the settlement of this Territory would be great.

ly facilitated; its agricultural, mineral and commercial resources would be better developed; and the transportation of the mails made more safe, which in the present state of the roads cannot be transmitted with expedition or regularly. A good road would greatly facilitate the march or movement of troops and the transportation of the necessary munitions of war, from our Lake border to our most exposed frontier on the Mississippi, should it become necessary to meet a savage enemy.

I recommend, at the present session of the Legislative Assembly, the appointment of Commissioners, competent to revise the Laws of the Territory. A part of the laws of Michigan, since the organization of the Territorial Government of Wisconsin, have been repealed. At the last annual session of the Legislative Assembly more than one hundred laws of a general and a local nature, were enacted—many of them adopted from the codes of the different States of the Union—and from a failure in printing them at a proper time, the people have been compelled to remain in ignorance of the laws now in force.

By a resolution of the Legislative Assembly, a part of the Michigan laws were ordered to be printed and distributed throughout the Territory. This portion would have embraced the most important laws from the Michigan Statutes now in force. It will require professional men of legal attainments, to revise the laws, and a liberal compensation should be made them, to obtain that description of legal talent necessary for the discharge of the arduous and responsible duties that would devolve upon them.

At the close of the adjourned session of the Legislative Assembly, a contract was made, by a committee appointed for the printing of the laws and resolutions, passed at the annual sessions of the Legislative Assemblies of 1836–7–8, and the laws passed at the adjourned session in 1838, with certain other acts selected from those now in force, contained in a resolution of the Legislative Assembly, approved the 19th of January, 1838. The laws, by contract, were to be printed in one volume, and fifteen hundred copies were to be delivered to the agent of the Legislative Assembly, within seventy days from the 30th June last. I recommend the appointment of an agent on the part of this Territory, with instructions to repair to Burlington, the present seat of Government for the Territory of Iowa, to receive the laws of this Territory, if printed, that they may be distributed in such a manner as the Legislative Assembly may direct.

I respectfully invite the attention of the Legislative Assembly to the claims of the miners in the Lead mine region, on the justice and liberality of the government in extending to them the right of pre-emption in the purchase of their mineral lots. I will repeat at this time, my views on that subject, as delivered in my message to the Legislative Assembly in 1836. "I would suggest the propriety of memorializing Congress, as to the justice of granting to all the miners, who

have obtained the ownership of mineral grounds under the regulations of the superintendent of the United States' lead mines, either by discovery or purchase, the right of pre-emption in the purchase of their mineral lots at the minimum price of the public lands. By the persevering industry of the miners the lead mines have greatly increased in value. They have been, in war, many of them, the brave defenders of the mining region of country. They were invited by the Government, through her agents, to explore and work the United States' mines.— That meritorious class of the community have strong claims on the justice and liberality of the Government, that I trust will not be withheld from them. By selling the United States' lead mines without a reservation securing the rights of the miners, they would be deprived of valuable mineral grounds, that they have exercised ownership over for years. They will not be able to compete with speculators, whose object will be to monopolize all the mineral grounds in this extensive lead region of country."

Important treaties have been made during the last year with the Chippeway, Sioux, and Winnebago Indians, by which extensive districts of country have been ceded to the United States, which is of the first importance to the growth and prosperity of Wisconsin, as well as for the peace and safety of our exposed and extensive frontier. The proximity of the Winnebago Indians to our border settlements, made the extinguishment of their title to the country east of the Mississippi, and their removal west of that river, of the first importance. It will relieve the frontier settlers from the intrusion of the Indians, and be the means of benefiting the Indians themselves, by removing them from near our settlements. The amount now paid by the United States, in annuities to the Chippeway, Sioux, and Winnebago Indians, will have a salutary effect in restraining them from committing acts of hostility on our border settlements, knowing that a violation of their treaty stipulations would be the means of forfeiting their annuities, upon which they place great reliance.

I would respectfully recommend to the Legislative Assembly the propriety of memorializing Congress, asking an appropriation to extinguish the title of the Menomonee Indians to their country bordering on the Fox river, from the mouth of Wolf river to the Portage of the Fox and Wisconsin rivers. The United States would then own the whole extent of the country bordering on both sides of the Fox river, which would facilitate the improvement of the navigation of that river; and the Indian title would be extinguished to a valuable tract of country that would admit of a dense settlement.

I respectfully recommend the early action of the Legislative Assembly in dividing the territory into three Judicial Districts, and the assignment of the Judges to their respective Judicial Districts.

The formation of three Judicial Districts in this Territory, in the place of two, will produce a change of time in holding the terms of the

several courts. The due administration of justice requires the early organization of the Judicial Districts in this Territory. The lives, liberty, and property of all classes of the community depends on the due, speedy, and impartial administration of the laws.

At the last annual session, I recommended to the Legislative Assembly, the propriety of addressing a memorial to the War Department of the Government, asking a supply of arms for the use of the volunteer companies, and for the militia of this Territory. In a communication, addressed by the Secretary of War to our delegate in Congress, informing him that he had enclosed him a report of the Colonel of Ordnance, on so much of the memorial of the citizens of Wisconsin, as relates to the supply of arms they desire may be furnished the Territory, the Secretary of War states as follows: "This department will cause the necessary armament to be deposited at posts convenient to the territory, subject to the orders of the Government in cases of emergency."

At the last annual session of the Legislative Assembly, the laws, generally, for the government of the militia were repealed, and from a failure in printing them, I deemed it unnecessary to order a muster of the militia this fall, as Courts Martial, for the trial of delinquents, could not act without law for their government.

HENRY DODGE.

Madison, November 27th, 1838.

The message of the Governor having been delivered, the members of the Council returned to their chamber and resumed business.

On motion of Mr. Prentiss,

Ordered, That five hundred copies of the message of the Governor be printed for the use of the Council, to be paid for out of the fund for the incidental expenses of the Legislative Assembly.

On motion of Mr. Martin,

Ordered, That the Secretary of the Council be authorised to have the necessary printing done, until otherwise provided for by the Council.

On motion of Mr. Irwin,

The Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

On motion of Mr. Martin,

Resolved, That the Secretary of the Territory be requested to communicate to the Council any information he may be in possession of, relating to the printing of the laws of the Territory, and that a copy of this resolution be transmitted to him.

On motion of Mr. Strong,

Resolved, That each member of the Council be authorised to order, for his own use, at the expense of the Territory, any number of newspapers not exceeding twenty, each week during the session.

The President announced a communication, together with an accompanying document, from the Secretary of the Territory on the subject of the printing of the laws ; which was read, and.

On motion of Mr. Irwin,

Ordered, to be laid on the table.

On motion of Mr. Martin,

Ordered, That the Secretary of the Territory have leave to withdraw the communication and accompanying document just now presented to the Council.

Mr. Rountree, from the joint committee, to which the subject had been referred, made the following report :

The committee, to whom was referred the resolution to make an examination of the Public Buildings at this place, and report their present condition, together with the probable accommodations to be furnished the members of the Legislative Assembly, having had the subject under consideration, beg leave to report :

That they find the Capitol in an unfinished state, and not in a situation to be occupied at the present time, but have the assurance of the Commissioner, (Mr. Bird,) that the Representatives' Hall and Council Chamber will be in readiness to-morrow for the Legislative Assembly.

The committee also have the assurance of the keepers of the three hotels, that they are now partially, and will, during the present week, be fully prepared to accommodate the members of the Legislative Assembly with board, rooms, &c., comfortably, to wit:—At the Madison House, one room that will accommodate six persons. At the Madison Hotel, two rooms that will accommodate four persons ; and, at the American Hotel, eight rooms, sufficient to accommodate twenty-six persons. But we cannot ascertain that more than fifty persons can be accommodated with sufficient rooms for the transaction of business.

We find also, upon enquiry of the Secretary of the Territory, that stationary cannot be had in the place at the present time, but that a supply is expected soon.

The committee are, therefore, of opinion that the accommodations are not such as are required for the proper despatch of the business which may come before the Legislative Assembly at the present session.

Which was read, and

On motion of Mr. Wells,

Ordered, To be laid on the table for the present.

Mr. Wells offered the following preamble and resolution :

Whereas, the public buildings are not in a situation at present to accommodate the General Assembly, and cannot be sufficiently completed

for that purpose, unless time is given the Committee to prepare rooms, furniture, &c.

Resolved, if the House of Representatives concur, that, when the two Houses adjourn on Wednesday, the 28th instant, they shall stand adjourned to meet again at _____ on the third Monday of December next, at 10 o'clock, A. M., of said day.

Which was read, and

On motion of Mr. Strong,

Ordered, To be laid on the table.

On motion of Mr. Vineyard,

The Council adjourned until 10 o'clock, on to-morrow morning.

Wednesday, November 28, 1838.

Mr. Prentiss presented the petition of inhabitants of the town of Muskego, in the county of Milwaukee, praying to be organized into a separate township, to be called Vernon.

Which was read, and

On motion of Mr. Prentiss,

Ordered to be laid on the table.

The President announced a communication from the Secretary of the Territory, accompanied by a copy of the laws of the last session of the Legislative Assembly.

Laid on the table.

Mr. Irwin, from the committee appointed to revise the standing rules of the Council, and to suggest such amendments as may be necessary thereto, reported as follows:—

Strike out in 2d rule, the word "enrolment," and insert in place thereof, the words "engrossed bills."

Insert after the words "every bill," in the 16th rule, the words "joint resolution and memorial."

In the 18th rule, after the words "all bills" in the first line, insert the words, "joint resolutions and memorials," and in the third and fifth lines of the same rule, after the word "bill," insert the word "memorial."

The report of the committee was adopted.

On motion of Mr. Prentiss,

Ordered, That the Council do now proceed to the election of a President, by ballot.

The Council thereupon proceeded to the election of a President, by ballot, and the votes being taken and counted by Messrs. Sterling and

Wilson, appointed tellers for that purpose, it appeared that Daniel Wells received one vote; Morgan L. Martin, five votes; James Collins, three votes; William Bullen, one vote; William A. Prentiss, one vote; John H. Rountree, one vote; and Ebenezer Brigham, one vote.

Neither of the candidates having a majority of the votes present, the President declared that no election had taken place.

On motion of Mr. Strong,

Ordered, That the Council do now proceed to a second ballot.

The Council thereupon proceeded to a second ballot, and the votes being taken and counted by Messrs Sterling and Wilson, appointed tellers for that purpose, it appeared that James Collins had received three votes; Morgan L. Martin, five votes; William Bullen, two votes; William A. Prentiss, one vote; E. Brigham, one vote; and one blank vote.

Neither of the candidates having a majority of the votes present, the President declared that no election had taken place.

On motion of Mr. Strong,

Ordered, That the Council do now proceed to a third ballot.

The Council thereupon proceeded to a third ballot, and the votes being taken and counted by Messrs. Sterling and Wilson, appointed tellers for that purpose, it appeared that John H. Rountree, had received one vote; Morgan L. Martin, five votes; William Bullen, three votes; James Collins, two votes; William A. Prentiss, one vote; and one blank vote.

Neither of the candidates having a majority of the votes present, the President declared that no election had taken place.

On motion of Mr. Vineyard,

Ordered, That the fourth balloting for the election of President be postponed for the present.

On motion of Mr. Vineyard,

Ordered, That the Council do now proceed to the election of a Secretary.

The Council thereupon proceeded to the election of a Secretary; and the ballot being taken and counted by Messrs. Strong and Vineyard, appointed tellers for that purpose, it appeared that George Beatty had received the whole number of votes present, and was therefore declared to be unanimously elected.

On motion of Mr. Irwin,

Ordered, That the Council do now proceed to the election of an Assistant Secretary.

The Council then proceeded to the election of an Assistant Secretary; and the ballots being taken and counted by Messrs. Strong and Vineyard, tellers for that purpose, it appeared that Joseph G. Knapp had received twelve votes, and was therefore declared to be duly elected.

On motion of Mr. Strong,

Ordered, That the Council do now proceed to the election of Sergeant-at-Arms, Door-keeper, Assistant Door-keeper, Messenger, Assistant Messenger, Fireman, and three Transcribing Clerks.

The Council thereupon proceeded to the election of a Sergeant-at-Arms, Door-keeper, Assis'ant Door-keeper, Messenger, Assistant Messenger, Fireman, and three Transcribing Clerks; and the ballots being taken and counted by Messrs. Strong and Vineyard, tellers for that purpose, it appeared that the following persons had received a majority of the votes present, for the offices affixed to their respective names, and were therefore declared to be duly elected, viz :

Stephen N. Ives, Sergeant-at-Arms.

David D. Wells, Door-keeper.

James M. Moore, Assistant Door-keeper.

Frederick Holman, Messenger.

Charles P. Green, Assistant Messenger.

G. C. S. Vail,

A. H. McKensie, } Transcribing Clerks.

Jno. S. Fletcher, }

James Connor, Fireman.

On motion of Mr. Martin,

Ordered, That the several officers elected, be now called to the Secretary's desk and sworn.

The Secretary, Assistant Secretary, Sergeant-at-Arms, Door-keeper, Messenger, Transcribing Clerks, and the Fireman, severally appeared at the Secretary's desk, and took the oath of office.

The following message from the House of Representatives was received by the Clerk, viz :

"Mr. President, I am directed to inform this Council, that the House of Representatives have passed the following preamble and resolution, viz :

"Whereas, it appears from the report of the committees appointed by the Council and House of Representatives, (which report has been adopted by this House,) that suitable accommodations cannot be had at present in this place for the members and officers of the Legislative Assembly—therefore

Resolved, If the Council concur, that the Legislative Assembly adjourn on to-morrow, at 12 o'clock, meridian, to meet again at
on the Monday of next.

"In which, the concurrence of the Council is requested"

And then he withdrew.

On motion of Mr. Strong,

The preamble and resolution from the House of Representatives, relative to the adjournment of the Legislative Assembly, was taken up and read.

Mr. Wells moved to adjourn, which was disagreed to.

Mr. Strong then moved indefinitely to postpone the resolution, which was agreed to, ayes 12, nays 1.

The ayes and nays being called for,

Those who voted in the affirmative are, Messrs. Brigham, Collins, Irwin, Martin, Maxwell, Rountree, Sterling, Strong, Vineyard, Wells, Wilson, Bullen, president.

Mr. Prentiss voted in the negative.

On motion of Mr. Wells,

The Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

James M. Moore, Assistant Door-keeper, and Charles P. Green, Assistant Messenger, appeared at the Secretary's desk, and took the oath of office.

Mr. Brigham offered the following preamble and resolutions :

Whereas, it may be necessary that the Secretary of the Territory should expend some of the resources provided by Congress, to defray the expenses of the Legislative Assembly at an early period of the session ; and whereas, he has been informed by the Secretary of the Treasury of the United States, that drafts for that purpose will be forwarded to him on the land-offices of the Territory, which cannot be immediately available ; therefore

Resolved by the Council and House of Representatives, That the Secretary of the Territory, be and he is hereby authorised to borrow fifteen thousand dollars for the use of the Territory, for the re-payment of which the faith of the Territory is hereby pledged.

Which was read twice and ordered to be engrossed for a third reading to-morrow.

Mr. Irwin offered the following :

Resolved, That a committee of two be appointed to act in conjunction with a similar committee from the House of Representatives, to report a set of joint rules for the government of the Legislative Assembly during its present session.

Mr. Brigham moved to amend by adding thereto—"and also rules for the regulation of the Territorial Library"—which was agreed to.

The resolution as amended was then adopted ; and Messrs. Irwin and Maxwell were appointed the committee on the part of the Council.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

On motion of Mr. Strong,

The Council again proceeded to the election of a President ; and, the ballots being taken and counted by Messrs. Collins and Prentiss, appointed tellers for that purpose, it appeared that Morgan L. Martin

had received four votes; William Bullen seven votes; and William A. Prentiss one vote.

The report of the tellers having been announced,

On motion of Mr. Vineyard, the Chair was vacated by the President pro. tem. and Mr. Collins was called to preside.

William Bullen having received a majority of the votes present, he was declared by the Chair to be duly elected.

The President was then conducted to the Chair by Messrs. Vineyard and Strong—from whence he returned his acknowledgements to the Council, as follows :

Gentlemen of the Council:—I rise under great embarrassment to tender you my unfeigned acknowledgements, for the very distinguished mark of your favor bestowed upon me, by selecting me to preside over your deliberations. Be assured, gentlemen, I receive this unexpected proof of your friendship and confidence with sentiments of profound gratitude, and were it not that I flatter myself that I shall receive your co-operation in my attempts faithfully to discharge the very responsible and delicate duties of the high trust confided to me, I should enter upon them with much greater diffidence; but I trust that the utmost harmony and good feeling will characterise the deliberations of the Council, and that I shall receive from you that liberal indulgence which I shall so much need from my want of experience in legislation; and my limited acquaintance with parliamentary usage.

The following message was received from the House of Representatives, by the clerk thereof, viz :

“Mr. President—The House of Representatives have appointed Messrs. Whiton and Barber, a committee on their part, to act in conjunction with a committee to be appointed by the Council, to adopt joint rules and orders for the government of the two Houses.”

And then he withdrew.

Mr. Collins moved to take up the preamble and resolution offered yesterday by Mr. Wells, in relation to the adjournment of the Legislative Assembly, which was agreed to.

The preamble and resolution having been read, Mr. Wells moved to strike out after the word “on” in the third line, the words “Wednesday, the 28th inst. and pending the question thereon,

On motion of Mr. Maxwell,

The Council adjourned until 10 o'clock, A. M. on to-morrow.

Thursday, November 29, 1838.

Mr. Martin presented the petition of Brothertown Indians, praying the Legislative Assembly to memorialize Congress for an act granting to them the title, in fee simple, of their lands, and the privileges of citizenship.

Laid on the table.

On motion of Mr. Vineyard,

Resolved, That the Executive, Secretary of the Territory. Judges of the Supreme Court, and the members of the House of Representatives of the Territory, be requested to take seats within the bar of the Council, at pleasure.

Mr. Irwin, from the joint committee to which the subject had been referred, reported as follows :

The committee appointed by the Council to act in conjunction with a similar committee appointed by the House of Representatives, for the purpose of drafting joint rules and orders for the two Houses, and also, rules for the regulation of the Territorial Library, report :—

That they, in conjunction with the committee from the House of Representatives, have had the subject under consideration, and have agreed to report to the Council the joint rules and orders adopted by the two Houses at their last regular session, without amendment ; a copy of which is herewith presented.

The committee appointed by the House of Representatives, not having any power or instructions on the subject of the Library, the joint committee was not able to take the same under consideration.

The report of the committee was adopted.

On motion of Mr. Brigham, the resolution offered by him on the 27th inst. relative to the employment of J. A. Noonan to execute the incidental printing for the Legislative Assembly during its present session, was taken up, and twice read, and considered.

Mr. Strong moved to amend by striking out the words "during its present session," and inserting in the place thereof the words "until otherwise ordered."

The amendment was agreed to, and the resolution was ordered to a third reading.

On motion of Mr. Brigham, the preamble and resolution authorising the Secretary of the Territory to borrow fifteen thousand dollars for the use of the Territory, was read a third time, and pending the question "Shall the resolution pass?"

On motion of Mr. Prentiss,

Ordered, That it be laid on the table for the present.

Mr. Martin obtained the consent of the Council to offer "A resolution to provide for a partial revision of the Laws;" which was read and laid on the table.

On motion of Mr. Prentiss,

Resolved, That fifty copies of the standing rules of the Council, together with the joint rules of the Council and House of Representatives, be printed in pamphlet form, under the direction of the Secretary of the Council, for the use of the members; to be paid for out of the fund for the incidental expenses of the Legislative Assembly.

On motion of Mr. Strong,

Ordered, That the Council do now proceed to the election of chairmen to the several standing committees.

Messrs. Strong and Sterling were appointed tellers.

Before proceeding to ballot, Mr. Martin moved to suspend the third standing rule of the Council which requires that the chairman of the several standing committees shall be elected by ballot, and that the President have power to appoint the same.

The motion was agreed to.

On motion of Mr. Irwin,

The Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The President announced the appointment of the several standing committees, as follow :

On Internal Improvement.—Messrs. Maxwell, Irwin and Collins.

On Territorial Affairs.—Messrs. Brigham, Vineyard and Wells.

On Claims.—Messrs. Vineyard, Sterling and Prentiss.

On the Judiciary.—Messrs. Martin, Strong and Prentiss.

On Finance.—Messrs. Rountree, Brigham and Wells.

On the Militia.—Messrs. Wilson, Maxwell and Collins.

On Engrossed Bills.—Messrs. Irwin, Prentiss and Strong.

On Schools.—Messrs. Strong, Collins and Wilson.

On Ways and Means.—Messrs. Collins, Vineyard and Wells.

On Incorporations.—Messrs. Prentiss, Strong and Sterling.

On Public Expenditures.—Messrs. Martin, Rountree and Wilson.

On Enrolment (joint).—Messrs. Wells and Vineyard.

On motion of Mr. Collins,

Resolved, That the Sergeant-at-Arms be, and he is hereby authorised to contract for the necessary fuel to be used in the Council Chamber; to have the same cut into lengths suited to the fire-places therein; and to procure such other articles as are necessary to enable the officers to perform their duties.

On motion of Mr. Martin,

Ordered, That the petition of Brothertown Indians, praying this Legislative Assembly to memorialise Congress to grant them a title, in fee simple, to their lands, and the rights of citizenship, (laid on the table this morning,) be now taken up, and referred to the committee on the Judiciary.

On motion of Mr. Prentiss,

Ordered, That the petition of inhabitants of the town of Muskeego, in the county of Milwaukee, praying to be incorporated into a separate township to be called Vernon, be now taken up and referred to the committee on Territorial Affairs.

On motion of Mr. Prentiss,

Resolved, That fifty copies of the list of members appointed on the Standing Committees, be printed for the use of the Council.

Message from the House of Representatives, by the Clerk thereof, viz :

"Mr. President,—I am directed to inform you, that the House of Representatives have adopted the report of the Committee appointed by the two Houses to draft rules and orders for the government of the Legislative Assembly, and have concurred in so much of the message received from the House this morning, as relates to drafting rules for the regulation of the Territorial Library.

"Messrs. Whiton and Barber have been appointed the Committee on the part of the House.

"The House of Representatives have elected Mr. John W. Blackstone of Iowa, Speaker of their body."

And then he withdrew.

On motion of Mr. Strong, the Council resolved itself into the committee of the whole House, Mr. Brigham in the chair, for the purpose of taking into consideration the message of the Governor; and, after a short time spent in the consideration thereof, the Committee rose, and by their Chairman, reported the following resolution to the Council, viz :

Resolved, That so much of the Governor's message, as relates to memorializing Congress for an alteration in the term of office of members of the Legislative Assembly, be referred to a Select Committee; that so much as relates to the admission of this Territory as one of the States of the Union, be referred to the Committee on Territorial Affairs; that so much as relates to the passage of a law, creating a tax on the land of non-residents, for the support of Common Schools, be referred to the Committee on Finance; that so much as relates to Banks, be referred to the Committee on Incorporations; that so much as relates to the improvement of Bays, Harbors, &c., be referred to the Committee on Internal Improvement; that so much as relates to an alteration of the Judicial Districts, and a revision of the Laws, be referred to the Judiciary Committee; that so much as relates to memorializing Congress in relation to granting the right of pre-emption on

mining lands, be referred to a Select Committee ; that so much as relates to memorialising Congress in relation to the extinguishment of the title of the Menomonee Indians to lands bordering on the Fox river, be referred to the Committee on Territorial Affairs ; and that so much as relates to a memorial to Congress asking for a supply of arms for the use of Volunteer Companies and the Militia of this Territory, be referred to the Committee on the Militia.

Which was adopted.

On motion of Mr. Irwin,

The Council adjourned until 10 o'clock, A. M. to-morrow.

Friday, November 30, 1838.

Mr. Sterling offered the following preamble and resolution :

Whereas, a joint committee of the Council and House of Representatives, did, on the 30th day of June, 1838, contract with James G. Edwards, to print certain laws of the Territory of Wisconsin, and a bond given by him to the Governor of the Territory of Wisconsin, to furnish the same in seventy-five days, and said laws are now in the possession of the said J. G. Edwards, at Burlington, in the Territory of Iowa ; and that the Territory of Wisconsin is entitled to its portion of them :

And, whereas, the laws of the extra session of the Legislature of Wisconsin have not been printed ; therefore,

Be it resolved, by the Council and House of Representatives, that the Secretary of the Territory be authorised to procure so many of the copies of the laws that are printed, that belong to the Territory of Wisconsin ; and employ some proper person to print copies of those that have not been printed, in the same form, and upon the same terms as contracted for by James G. Edwards ; and that the said Secretary have them distributed as provided by law.

Which was read, and laid on the table.

The President announced a communication from the Governor on Executive business.

On motion of Mr. Brigham, it was unanimously

Ordered, That the Council do now proceed to the consideration of Executive business.

The Executive business having been disposed of,

Mr. Irwin, from the joint committee to which the subject had been referred, made the following report :

The committee appointed by the Council, to act in conjunction with a similar committee appointed by the House of Representatives, for the purpose of drafting Rules and Regulations for the Territorial Library, beg leave to report :

That they, in conjunction with the committee from the House of Representatives have had the subject under consideration, and have agreed to report to the Council the Rules and Regulations adopted by the Legislature at their session in 1837, (a copy of which is herewith presented,) with an amendment, viz :

Strike out the words "the town of Burlington," in the first line of the first rule, and insert in place thereof the words "Madison, the Seat of Government."

The report having been read,

On motion of Mr. Collins,

Ordered, That the report of the committee be adopted, and the committee discharged.

Mr. Martin offered the following :

Resolved, That the Secretary of the Territory be requested to report, in full, the amount received by him for the purpose of defraying the expenses of the Legislative Assembly, during the last two years,—the several accounts and vouchers on which the same has been paid out by him,—and also, to report whether the sums for which the faith of the Territory has been pledged, have been fully discharged.

Mr. Strong moved to amend the resolution by striking out all after the word "be," in the first line, to the words "to report," in the eighth line, and insert in place thereof, the word "requested," which was disagreed to.

Mr. Prentiss then moved to amend by striking out the word "required," and to insert in the place thereof the word "requested."

The amendment was accepted by Mr. Martin, and the resolution passed.

The joint resolution, entitled "Resolution relative to the employment of a printer to execute the incidental printing of the Legislative Assembly," was read a third time and passed.

Ordered, That the concurrence of the House of Representatives be requested therein.

On motion of Mr. Brigham,

Resolved, That the rules for the regulation of the Territorial Library be printed and attached to the rules for the government of the Council.

The President appointed Messrs. Wells, Collins and Vineyard the select committee, to which was referred so much of the Governor's message, as relates to memorializing Congress for an alteration in the terms of office of members of the Legislative Assdmbly; and

Messrs. Sterling, Rountree and Brigham, on so much of the same message as relates to granting the right of pre-emption to mining lands.

Mr. Prentiss gave notice, that he would on to-morrow, or on some

future day, ask leave to introduce a bill to amend the "Act for assessing and collecting county revenue."

On motion of Mr. Irwin,

Resolved, That the daily hour to which this Council stands adjourned, be 10 o'clock, A. M.

Mr. Sterling gave notice that he would on Monday next, ask leave to introduce a bill to incorporate the Iowa Copper Company.

Mr. Strong gave notice, that he would on to-morrow, ask leave to introduce a bill concerning usury.

Mr. Martin, from the Judiciary committee, reported bill No. 1, entitled "A bill to amend the act entitled 'An act concerning the Supreme and District Courts, and defining their jurisdiction and powers.'"

Which was read the first and second time, and ordered to be printed.

Message from the House of Representatives, by the clerk thereof, viz :

"Mr. President,—I am directed to inform you that the House of Representatives have passed resolutions relative to the transportation of the mail from Madison to Milwaukee, a copy of which is herewith presented, in which the concurrence of the Council is requested.

"The House have adopted the report of the joint committee appointed by the two Houses to draft rules and regulations for the Territorial Library ; and, have indefinitely postponed the resolution of this Council, relative to the employment of a printer to execute the incidental printing of the Legislative Assembly."

And then he withdrew.

Mr. Martin gave notice, that he would on Monday next, ask leave to bring in a bill to lay out and establish several territorial roads therein named, and a bill to re-organize the several townships in the county of Brown.

On motion of Mr. Strong,

The Council adjourned until 3 o'clock, P. M. .

3 O'CLOCK, P. M.

On motion of Mr. Irwin,

The resolutions from the House of Representatives, relative to the carrying of the mail from Madison to Milwaukee, were taken up ; and having been read the first and second time,

On motion of Mr. Martin,

The Council resolved itself into a committee of the whole, Mr. Irwin in the chair, for the consideration thereof.

After some time, the committee rose, and by their chairman, reported the resolutions to the Council, with amendments.

The report of the committee was received, and the amendments concurred in.

On motion of Mr. Martin,

Ordered, That the resolutions be read a third time on to-morrow.

Mr. Martin, offered the following :

Resolved, That a select committee of five members be appointed to draft and report to the Council, a memorial to the Congress of the United States, setting forth the claims of this Territory to the jurisdiction of all that district of country lying north of a line drawn from the southern extreme of Lake Michigan, due west to the Mississippi river, by virtue of the ordinance of Congress, of July 13, 1787, and the subsequent act of cession of Virginia; and praying the passage of a law authorising the inhabitants within the jurisdictional limits of Wisconsin, to form a Constitution and State Government.

Which was read, and

On motion of Mr. Collins,

Ordered, to be laid on the table.

On motion of Mr. Irwin,

The Council adjourned.

Saturday, December 1, 1838.

On motion of Mr. Collins,

Resolved, That a select committee of two be appointed, to act in conjunction with a similar committee, to be appointed on the part of the House of Representatives, to examine into the state of the Territorial Library, and to report the result of such examination as soon as practicable.

Messrs. Collins and Irwin were appointed the committee on the part of the Council,

Ordered, That the House of Representatives be requested to concur therein.

On motion of Mr. Sterling, the "preamble and resolution authorising the Secretary of the Territory to procure the laws of the last regular session of the Legislative Assembly, and to provide for the printing of the laws of the extra session," was taken up, and read the second time; and,

On motion of Mr. Collins, the Council resolved itself into committee of the whole, Mr. Vineyard in the chair, for the consideration of the same.

After some time the committee rose, and by their chairman, reported the preamble and resolution back to the Council, with an amendment, viz :

Strike out all after the word "Representatives," in the Resolution, and insert in place thereof, "that William B. Long be appointed Special Messenger, to proceed forthwith to the town of Burlington, in the Territory of Iowa, and procure, for the use of the Territory, such number of copies of the laws of the last Session, as may be the due proportion belonging to the Territory of Wisconsin, and that he shall receive for the service such compensation, in addition to his expenses, as may hereafter be allowed by the Legislature."

The report of the committee was received, the amendment concurred in, and the resolution ordered to be engrossed for a third reading on Monday next.

The President announced the following communication from the Secretary of the Territory, viz.:

SECRETARY'S OFFICE,
Dec. 1st, 1838. }

To the Hon. the President of the Council:

SIR—In reply to the resolution of the Council on yesterday, requesting me "to report in full on the subject of my disbursements of Public Monies, in defraying the expenses of the Legislative Assembly, and also to report whether the sums for which the faith of the Territory has been pledged, have been fully discharged."—I have the honor to state, that in accordance with the provisions of the organic law, and in conformity with a bond, which I entered into with the Secretary of the Treasury of the United States, I have made regular reports to the Secretary of the Treasury on the subject of my disbursements; and that since I held the office of Secretary of the Territory, the faith of the Territory has been pledged but once, and then for ten thousand dollars, for the purpose of defraying the expenses of the extra session in June last. The amount was borrowed by me from the Bank of the "State of Missouri," for which I gave my note, which has been cancelled by the Bank, and herewith presented to the Council.

I have the honor to be, very respectfully,

W. B. SLAUGHTER,
Sec. Wis. Ter.

Which was, on motion of Mr. Rountree, read and received.

The resolutions, from the House of Representatives, relating to the transportation of the mail from Madison to Milwaukee, were read the third time, and passed.

Ordered, That the concurrence of the House be requested to the amendments made thereto.

The preamble and resolution authorising the Secretary of the Territory to borrow fifteen thousand dollars, was read the third time; and pending the question—"Shall the resolution pass?"

On motion of Mr. Irwin,

Ordered, That it be re-committed to the committee of the whole.

The Council thereupon resolved itself into a committee of the whole. Mr. Irwin in the chair, for the consideration thereof; and after some time spent therein, the committee rose, and by their chairman reported that they had made progress therein, and asked leave to sit again on Monday next.

Leave was granted.

Mr. Prentiss, by leave, offered the following :

Resolved, That the second rule of the Council be so amended; that there shall be two additional standing committees appointed; one to be denominated a committee on Agriculture and Manufactures, and the other a committee on Roads and Canals.

Which was read, and

On motion of Mr. Strong,

Ordered, To be laid on the table till Monday next.

Mr. Prentiss gave notice that he would, on Monday next, ask leave to introduce a bill to legalise the proceedings of the board of County Commissioners of Milwaukee county.

Mr. Collins gave notice that he would, on Monday next, or on some future day, ask leave to introduce a bill to repeal an act, entitled an act to authorise the boards of county commissioners of the several counties in this Territory, to borrow money for the purpose of erecting court-houses and jails.

Mr. Maxwell gave notice that he would, on Monday next, or on some future day of the session, ask leave to introduce a bill to amend an act entitled, an "act to organise the county of Walworth, and to establish the seat of justice thereof.

Mr. Brigham, from the committee on Territorial Affairs, to which had been referred the petition of the inhabitants of the town of Muskeego, in the county of Milwaukee, praying to be organized into a separate township, to be called Vernon, (on leave being given,) made report, by bill, viz :

"No. 2, entitled "A bill to divide the town of Muskeego, and to organise the town of Vernon."

Which was read the first and second time, and ordered to be considered in committee of the whole, on Monday next.

On motion of Mr. Martin,

The Council adjourned until Monday next.

Monday, December 3, 1838.

Mr. Strong presented a memorial asking the Legislature to petition the United States Secretary of the Treasury to locate the University Lands, and appropriate them to the University of the Territory of Wisconsin, to be located at or near Madison, in the county of Dane.

The memorial was read and referred to a select committee consisting of Messrs. Strong, Wells and Martin.

Mr. Prentiss offered the following :

Resolved, That a committee be appointed, to act in conjunction with a committee from the House of Representatives, whose duty it shall be to draft and report a memorial to the Congress of the United States, asking an appropriation of money to be expended in revising and publishing the Statutes and other Laws of the Territory of Wisconsin.

Which was, on motion of Mr. Collins, laid on the table.

On motion of Mr. Martin,

Resolved, That the President be authorised to subscribe for two copies of the daily "Globe," newspaper, and two copies of the "Congressional Globe," printed in Washidgton, D. C., to be forwarded for the use of the Council, during the present session of Congress.

Mr. Martin offered the following,

Resolved, That the President of the Council be authorised to invite such clergymen as may reside in Madison, or its vicinity, to open the daily proceedings of the Council with prayer.

Mr. Strong moved to lay the same on the table.

Which was disagreed to.

The resolution was then adopted.

Mr. Irwin, from the committee on engrossed bills, reported, that the committee had examined the "preamble and resolution authorising the Secretary of the Territory to procure the laws of the last regular annual session of the Legislative Assembly, and to provide for the printing of the laws of the extra session," and that they find the same to be correctly engrossed.

Mr. Martin called up the resolution offered by him on Friday last, in relation to the appointment of a committee to report to the Council a memorial to the Congress of the United States setting forth the claims of this Territory to the jurisdiction of all the country north of a line due west from the southern extreme of Lake Michigan, and praying the passage of a law authorizing the inhabitants to form a constitution and state government.

Which having been read,

On motion of Mr. Martin, the same was amended so as to read "that the committee on territorial affairs be instructed."

The resolution, as amended, was then adopted.

Resolution No. 3, entitled "Resolution to provide for a partial revision of the laws," was read a second time, and

On motion of Mr. Martin the Council resolved itself into a committee of the whole, Mr. Martin in the chair, for the consideration thereof. After some time the committee rose, and by their chairman reported the resolution back to the Council without amendment.

The report of the committee was concurred in, and the resolution ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Martin, the Council resolved itself into a committee of the whole, Mr. Brigham in the chair, for the consideration of resolution No. 2, entitled "A resolution to authorise the Secretary of the Territory to borrow fifteen thousand dollars for the use of the Territory;" and after some time spent therein, the committee rose, and by their chairman reported progress therein, and asked leave to sit again this afternoon.

Leave was granted.

On motion of Mr. Brigham the Council resolved itself into a committee of the whole, Mr. Collins in the chair, for the consideration of bill No. 2, entitled "A bill to divide the town of Muskego, and to organize the town of Vernon;" and, after some time spent therein, the committee rose, and by their chairman reported the bill to the Council with an amendment.

The report of the committee was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Martin, the Council resolved itself into a committee of the whole, Mr. Prentiss in the chair, for the consideration of bill No. 1, entitled "A bill to amend an act entitled an act concerning the supreme and district courts and defining their jurisdiction and powers;" and after some time, the committee rose and, by their chairman, reported the bill without amendment.

The report of the committee was concurred in, and the bill was ordered to be engrossed for a third reading on to-morrow.

According to notice previously given, Mr. Maxwell asked and obtained leave to introduce a bill to amend an act entitled "An act to organize the county of Walworth, and to establish the seat of justice thereof."

Messrs. Maxwell, Martin and Brigham were appointed the committee to bring in the bill.

Mr. Prentiss, according to notice previously given, asked and obtained leave to introduce a bill to legalize the proceedings of the board of County Commissioners of Milwaukee county.

Messrs. Prentiss, Strong and Wells were appointed the committee to bring in the bill.

Mr. Strong, according to notice previously given, asked and obtained leave to introduce a bill concerning usury.

The committee appointed to bring in the bill were Messrs. Strong, Martin and Wells.

Mr. Strong, from the committee, appointed for that purpose, introduced bill No. 3, entitled "A bill relating to interest;" which was read the first and second time, and ordered to be printed and made the order of the day for to-morrow.

Mr. Sterling, from the committee appointed for that purpose, introduced bill No. 4, entitled "A bill for an act entitled an act to incorporate the Iowa Copper Company;" which was read twice and ordered to be printed, and made the order of the day for to-morrow.

Message from the House of Representatives by the Clerk thereof, viz :

"Mr. President,—I am directed to inform this Council, that the House of Representatives have concurred in the amendments made by this House to the resolutions respecting the transportation of the mail from Madison to Milwaukee; and also, that the House have appointed Messrs. Childs and Carver, a committee on their part, to act in conjunction with the committee appointed by the Council to examine into the state of the Territorial Library, and to report the result of such examination as soon as practicable."

And then he withdrew.

Mr. Prentiss, from the committee appointed for that purpose, introduced bill No. 5, entitled "A bill to legalise the proceedings of the Board of County Commissioners of the county of Milwaukee;" which was read twice and ordered to be committed to the committee of the whole now.

The Council thereupon resolved itself into committee of the whole, Mr. Strong in the chair, for the consideration thereof, and after some time spent therein, the committee rose and reported the bill to the Council without amendment.

The report having been read, Mr. Strong moved to amend the same by striking out the preamble to the bill.

Which was disagreed to.

The bill was thereupon ordered to be engrossed for a third reading on to-morrow.

Mr. Collins, according to notice previously given, asked and obtained leave to bring in a bill to repeal an act, entitled "An act to authorise the boards of county commissioners of the several counties of this Territory, to borrow money for the purpose of erecting court-houses and jails."

Messrs. Collins, Sterling and Prentiss were appointed the committee to bring in the bill.

According to notice previously given, Mr. Martin, asked, and obtained leave to introduce a bill to provide for laying out and establishing several territorial roads therein named.

Messrs. Martin, Irwin, and Wilson, were appointed the committee to bring in the bill.

Mr. Martin, from the committee appointed for that purpose, introduced bill No. 6, entitled "A bill to provide for laying out and establishing several territorial roads therein named;" which was read twice and ordered to be laid on the table and printed.

On motion of Mr. Wells,

The Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Council again resolved itself into the committee of the whole—Mr. Rountree in the chair, for the consideration of resolution No. 2, "A resolution to authorise the Secretary of the Territory to borrow fifteen thousand dollars, for the use of the Territory."

The Clerk of the House of Representatives having been announced, the President took the chair, when the following message was delivered, viz:

"Mr. President—The Speaker of the House of Representatives has signed the joint resolutions relative to the transportation of the mail from Madison to Milwaukee, and they are herewith presented for your signature."

And then he withdrew.

The President signed the resolutions referred to in the foregoing message.

The committee of the whole thereupon resumed its session, and after a short time, the committee rose and reported the preamble and resolution back to the Council with an amendment.

The report of the committee was received, and pending the question on the adoption of the amendment,

Mr. Martin moved further to amend the preamble and resolution by striking out the whole of the preamble, and all after the word "Representatives," in the resolution, and insert in place of the latter, as follows: "That Moses M. Strong, Esq., be and hereby is, appointed fiscal agent of the Legislative Assembly, to hold said appointment during the pleasure of the Legislature; and, as such agent is hereby authorised to adjust all accounts for any moneys appropriated by law, to receive the amount thereof from the Secretary of the Territory, out of such sums as have been, or may hereafter be appropriated by Congress for the payment of the expenses of the Legislature of Wisconsin.

"Resolved further, That the said fiscal agent be, and hereby is authorised to borrow from the State Bank of Illinois, or either of its

branches, for the use of the Legislature, fifteen thousand dollars, at a rate of interest not exceeding seven per cent; for the repayment of which, at such time as may be stipulated, the faith of the Territory is hereby pledged.

"Resolved further, That the said fiscal agent shall execute a bond to the Governor, for the use of the Territory, in the sum of twenty-five thousand dollars, conditioned for the faithful application of all monies which may come to his hands, to such purposes as may be directed by law."

Mr. Brigham then moved to amend the amendment by striking out the words "from the State Bank of Illinois, or either of its branches," and insert in lieu thereof the words, "in gold or silver, or its equivalent."

Which was agreed to.

The question then recurred on the amendment offered by Mr. Martin; and, pending the question thereon, a call of the Council was made by Mr. Vineyard, and the absentee sent for.

The Sergeant-at-Arms reported the attendance of the absent member, and

The ayes and noes having been called for,

Those who voted in the affirmative, are Messrs. Brigham, Irwin, Martin, Maxwell, Prentiss, Sterling, Wells, Bullen, president—8.

Those who voted in the negative, are Messrs. Collins, Rauntree, Strong, Vineyard, Wilson—5.

So the motion to amend was carried in the affirmative.

Mr. Martin thereupon moved that the report of the committee, as amended, be adopted by the Council, and that the resolution be engrossed for a third reading on to-morrow.

Which was agreed to.

Resolution No. 4, entitled "A resolution authorising the Secretary of the Territory to procure the printed laws of the last regular annual session of the Legislative Assembly; and to provide for the printing of the laws of the extra session," having been read the third time,

Mr. Martin obtained the unanimous consent of the Council to amend the same by striking out the preamble thereto.

The resolution was then passed; and

The title thereof having been read,

Mr. Strong moved to amend the same so as to read, "A resolution, appointing a special messenger to procure the laws of the last session of the Legislative Assembly."

Which was also agreed to.

Ordered, That the concurrence of the House of Representatives be requested therein.

On motion of Mr. Wells,

The report of the committee to examine into and report the situation of the public buildings at this place, together with the probable ac-

commodations to be furnished the members of the Legislative Assembly was taken up; and having been read,

On motion of Mr. Strong,
The Council adjourned.

Tuesday, December 4, 1838.

On motion of Mr. Vineyard,

Resolved, That the Secretary of the Council be instructed to make an arrangement with the Post Master at this place, by which all communications to and from the members of this House, may be charged to the Territory, and paid out of the contingent fund to defray the expenses of the the Legislative Assembly.

On motion of Mr. Martin,

Resolved, That the committee on Territorial Affairs, enquire into the expediency of memorializing Congress, praying the removal of the Surveyor General's office of Wisconsin, from Dubuque, in the Territory of Iowa, to Madison, the seat of Government of Wisconsin.

Mr. Irwin, from the committee on Engrossed Bills, made report that the committee had examined the following resolutions and found them to be correctly engrossed, viz :

No. 2. "Preamble and resolutions, authorising the Secretary of the Territory to borrow fifteen thousand dollars for the use of the Territory;" and

No. 3. "A resolution to provide for a partial revision of the laws."

Mr. Maxwell, from the committee appointed for that purpose, introduced bill No. 7, entitled "A bill to amend the act entitled 'an act to organize the county of Walworth, and to establish the seat of Justice therein ;'" which was read twice, and ordered to be laid on the table and printed.

On motion of Mr. Strong, the Council proceeded to the consideration of the orders of the day.

The Council thereupon resolved itself into a committee of the whole, Mr. Irwin in the chair, for the consideration of Bill No. 3, entitled "A bill relating to interest;" and, after some time, the committee rose, and by their chairman reported the bill with an amendment.

The report of the committee was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

The Council again resolved itself into a committee of the whole, Mr. Wells in the chair, for the consideration of bill No. 4, entitled "A bill for an act to incorporate the Iowa Copper Company;" and, after

some time, the committee rose and reported progress therein, and asked leave to sit again on Friday next.

Leave was granted.

Mr. Irwin, from the committee on Engrossed Bills, on leave given, reported the following bills, to be correctly engrossed, viz :

No. 1. A bill to amend an act entitled, "An act concerning the Supreme and District Courts, and defining their jurisdiction and powers."

No. 2. A bill to divide the town of Muskeego, and to organise the town of Vernon ; and,

No. 5. A bill to legalise the proceedings of the board of county commissioners of the county of Milwaukee.

Engrossed bills Nos. 1 and 2, were then read the third time, passed, and the titles agreed to.

Ordered. That the concurrence of the House of Representatives be requested therein.

Engrossed bill No. 5, entitled "A bill to legalise the proceedings of the board of County Commissioners of the county of Milwaukee," having been read the third time,

Mr. Martin obtained the unanimous consent of the Council, to amend the first line of the 2d section, by striking out the words, "Be it further enacted," which was agreed to.

The bill was then passed, and the title agreed to.

Resolution, No. 2, entitled "Preamble and resolution, authorising the Secretary of the Territory to borrow fifteen thousand dollars for the use of the Territory ;" and No. 3, entitled, "A resolution to provide for a partial revision of the laws," were read the third time and passed ; and the question being on the titles thereof.

Mr. Martin moved to amend the title of No. 2, so as to read, "A resolution to appoint a fiscal agent of the Legislative Assembly ;" which was agreed to.

Mr. Strong moved to amend the title of No. 5, by striking therefrom the word "partial," which was also agreed to.

The titles of the resolutions were then concurred in, and the bill No. 5, together with the resolutions, was ordered to be sent to the House of Representatives for concurrence.

Mr. Wells, from the joint committee on Enrolment, made report that the committee had presented "resolutions relative to the transportation of the mail from Madison to Milwaukee," to the Governor, for his examination and approval.

On motion of Mr. Wells, the unfinished business of yesterday, being the report of the select committee appointed to make an examination of the Public Buildings at this place, and report their present condition, together with the probable accommodations to be furnished the members of the Legislative Assembly, was taken up, and the report having been read,

Mr. Brigham moved to lay the same on the table until the first day of January next.

And pending the question thereon, the following message was received from the House of Representatives, by the Clerk thereof, viz :

"Mr. President,—I am directed to inform the Council that the resolution passed by them, appointing William B. Long, special messenger to repair to Burlington to procure the laws passed at the last annual session, has been concurred in by the House of Representatives."

And then he withdrew.

The question was then taken, on the motion of Mr. Brigham to lay on the table, and determined in the negative, ayes 5, noes 8.

The ayes and noes having been called for,

Those who voted in the affirmative, are Messrs. Brigham, Collins, Sterling, Strong and Wilson.

Those who voted in the negative, are Messrs. Irwin, Martin, Maxwell, Prentiss, Rountree, Vineyard, Wells and Bullen, president.

Mr. Wells then moved the adoption of the report, and,

Pending the question thereon, Mr. Strong moved that the same be committed to the committee on Finance.

The motion to commit was disagreed to.

The question then recurred on the motion to adopt the report, which was determined in the negative, ayes 6, noes 7.

The ayes and noes having been called for,

Those who voted in the affirmative, are Messrs. Irwin, Martin, Maxwell, Prentiss, Vineyard and Wells.

Those who voted in the negative, are Messrs. Brigham, Collins, Rountree, Sterling, Strong, Wilson and Bullen, president.

So the Council refused to adopt the report.

On motion of Mr. Irwin,

The Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

On motion of Mr. Martin, the Council resolved itself into committee of the whole, Mr. Wilson in the chair, for the consideration of bill No. 6, entitled "A bill to provide for the laying out and establishing several territorial roads therein named"—and after some time spent therein, the committee rose and reported the bill to the Council with amendments.

The report of the committee was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Maxwell,

The Council again resolved itself into committee of the whole, Mr. Sterling in the chair, for the consideration of bill No. 7, entitled "A

bill to amend the act entitled 'an act to organise the county of Walworth, and to establish the seat of justice therein ;' and after some time spent therein, the committee rose, and by their chairman, reported the bill to the Council without amendment.

The report of the committee was concurred in ; and the bill ordered to be engrossed for a third reading on to-morrow,

On motion of Mr. Martin,

The Council adjourned.

Wednesday, December 5, 1838.

Mr. Vineyard presented the petition of Abner Coates, praying to be divorced from the bonds of matrimony:

Which was read and laid on the table.

Mr. Maxwell presented the petition of inhabitants of the counties of Racine, Walworth and Rock, praying that a territorial road may be laid out from the line of the Territory, at or near section thirty-one, range nineteen, town one north, to Madison, by way of Big Foot, at the outlet of Geneva Lake.

Referred to committee on Internal Improvement.

Mr. Strong presented two petitions,—the first from the inhabitants of the village of Sothport, Racine county, praying the passage of a law authorising the incorporation of said village to raise by tax or loan the sum of twenty thousand dollars yearly, to be expended in constructing piers or a harbor at said village ; which was referred to the committee on Incorporations ;—the second, from Martha A Taft, praying for a divorce ; which was laid on the table.

Mr. Sterling presented the petitions of Joseph McMentry and Parley Eaton, severally praying to be divorced from the bonds of matrimony.

Laid on the table.

On motion of Mr. Martin,

Resolved, That the Assistant Messenger be authorised to proceed to Green Bay, and procure for the use of the Legislature, such numbers, as may be had, of copies of the revised Laws of Michigan of 1827, the revised Laws of 1833, and the Pamphlet Laws of 1834 and 1835.

Mr. Brigham offered the following :—

Resolved, That a committee of two be appointed to procure a stove and pipe, carpeting, and other necessary furniture for the room in the Capitol, occupied by the Council, and have the same put in order for use.

Mr. Prentiss moved to strike out the words "a stove and pipe, carpeting and other," which was agreed to.

The resolution was then adopted.

On motion of Mr. Strong,

Resolved, That every bill, after it shall have been read the first time, shall be printed, unless otherwise directed.

Mr. Strong offered the following :—

No. 5, Resolution in relation to the printing of bills :

“Resolved, That, (if the House of Representatives concur) it shall be the standing order of the two houses, that when a bill or other document shall be printed, fifty copies thereof shall be printed for the use of the House, and twenty-five copies for the use of the Council;” which was read twice and ordered to be laid on the table.

On motion of Mr. Irwin,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of memorializing Congress on the subject of amending the 9th section of the Organic Law, so as to extend the jurisdiction of Justices of the Peace, to any matter of debt or sum claimed, which does not exceed one hundred dollars.

Mr. Irwin, from the committee on Engrossed Bills, reported the following to be correctly engrossed, viz :

No. 3, A bill relating to interest.

No. 6, A bill to provide for laying out and establishing several territorial roads therein named; and

No. 7, A bill to amend the act entitled “an act to organize the county of Walworth, and to establish the seat of Justice therein.”

Mr. Wells, from the committee on Enrolment, reported resolution No. 4, entitled “A resolution to appoint a Special Messenger to procure the laws of the last annual session of the Legislative Assembly,” to be correctly enroled.

Mr. Strong moved to re-consider the vote of yesterday, by which bill No. 4, entitled “A bill for an act to incorporate the Iowa Copper Company,” was made the order of the day for Friday next.

The motion to re-consider was carried in the affirmative.

Mr. Collins then moved that the Council do not resolve itself into a committee of the whole, for the consideration of bill No. 4, entitled “A bill for an act to incorporate the Iowa Copper Company.”

Mr. Martin moved to amend the motion so as to include all the bills and resolutions in order for consideration.

The motion as amended was agreed to; and the Council thereupon resolved itself into a committee of the whole, Mr. Maxwell in the chair, for the consideration of bill No. 4, entitled “A bill for an act to incorporate the Iowa Copper Company.”

Bill No. 8, entitled “A bill to repeal an act entitled ‘an act to authorise the boards of county commissioners of the several counties in this Territory to borrow money, for the purpose of erecting court houses and jails;’” and resolution No. 5, entitled “A resolution relative to the printing of bills;” and after some time, the committee rose

and by their chairman, reported the bills and resolution, with amendments to each.

The report of the committee was received, the amendments concurred in, and the bills and resolution severally ordered to be engrossed for a third reading to-morrow.

Engrossed bill No. 3, entitled "A bill relating to interest," having been read the third time,

Mr. Martin moved to re-commit the same to the committee of the whole.

Which was agreed to, ayes 9, noes 4.

The ayes and noes having been called for, those who voted in the affirmative are, Messrs. Collins, Irwin, Martin, Maxwell, Rountree, Sterling, Vineyard, Wells and Wilson.

Those who voted in the negative are, Messrs. Brigham, Prentiss, Strong and Bullen, president.

Engrossed bill No. 7, entitled "A bill to amend the act entitled 'an act to organise the county of Walworth, and to establish the seat of Justice therein,'" was read the third time, and pending the question on the passage thereof,

Mr. Maxwell obtained the unanimous consent of the Council to amend the first section, by striking all out after the word "office," in the third line, to the word "and" in the fourth line, and inserting in place thereof the words, "the respective terms for which they were elected."

The bill was then passed, and the title agreed to.

Ordered, That the concurrence of the House of Representatives be requested therein.

On motion of Mr. Martin,

The Council adjourned.

Thursday, December 6, 1838.

Mr. Wells presented the petition of Luther Childs, praying to be divorced from the bonds of matrimony, and moved that it be read and referred to a select committee.

Mr. Strong moved to amend the motion of Mr. Wells, by extending the reference of all the petitions for divorce to the committee on the Judiciary.

Mr. Martin moved to refer the petitions to a select committee, of one member from each of the electoral districts.

The motion to refer to the committee on the Judiciary, was first put and decided in the negative.

The motion to refer to a select committee was then put and determined in the affirmative; and.

Messrs. Martin, Strong, Prentiss, Maxwell, Brigham, Collins, Vineyard and Wilson, were appointed the committee.

On motion of Mr. Sterling,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of repealing an act to amend an act, entitled "An act concerning the Supreme and District Courts, and defining their jurisdiction and powers," approved, 19th January, 1838.

On motion of Mr. Sterling,

Resolved, That the committee on Internal Improvements be instructed to enquire into the expediency of memorialising Congress to obtain, for the purpose of improving the navigation of the Pekatoneča river, from Mineral Point to the point where the north line of the State of Illinois crosses said river, or of constructing a canal instead of such improvements, where the same shall be found impracticable; a grant of every alternate section, within five miles of either bank of said river or canal, or (where such alternate sections may have been sold,) a corresponding quantity of land, to be selected from any of the unsold lands of the Government in the Territory.

Mr. Irwin, from the committee on Engrossed Bills, made report that the following were correctly engrossed, viz:

No. 4. A bill for an act to incorporate the Iowa Copper Company.

No. 8. A bill to repeal an act, entitled "An act to authorise the boards of county commissioners of the several counties of this Territory to borrow money for the purpose of erecting court-houses and jails.

Resolution, No. 5. A resolution in relation to the printing of bills.

Mr. Prentiss, from the committee on Incorporations, to which was referred so much of the Governor's message as relates to banks, reported the following resolution, viz:

No. 7. A resolution appointing a committee to investigate the state and condition of the banks in this Territory.

Which was read the first and second time, and ordered to be laid on the table until to-morrow.

Message from the House of Representatives, by the Clerk thereof, viz:

"Mr. President,—I am directed to present for your signature, a resolution appointing a special Messenger to procure the Laws of the last annual session of the Legislature, which has been signed by the Speaker of the House of Representatives.

"The House of Representatives have passed bill No. 1, entitled

"A bill to repeal so much of an act, entitled An act to divide the county of Iowa as establishes the seat of justice of the county of Green at New Mexico, and to provide for the location of the seat of justice of the county of Green."

"And have concurred in resolutions of this House, with amendments, entitled as follows :

"No. 2, 'A resolution to appoint a Fiscal Agent of the Legislative Assembly ;' and,

"No. 3. 'A resolution to provide for a revision of the Laws.'

"In which bill and amendments to said resolutions, I am directed to ask the concurrence of this House."

And then he withdrew.

The president signed the resolution referred to in the foregoing message.

Mr. Strong, from the select committee to which the memorial asking the Legislature to petition the Secretary of the Treasury of the United States to locate the University Lands, and to appropriate them to the University of the Territory of Wisconsin, at or near Madison, in the county of Dane, had been referred, reported the following resolution, viz :

Resolved, That it is inexpedient to appropriate the lands, granted for the use and support of a University in this Territory, to any University at present ; and,

Resolution No. 6, entitled "A resolution to authorise the location of a portion of the University lands.

The first resolution was read and adopted.

Resolution No. 6, was then read and,

On motion of Mr. Strong.

Ordered to be laid on the table.

Mr. Strong, by leave, offered the following :

Resolved, (if the House of Representatives concur,) 'That William B. Long, who has been appointed agent to procure the laws of the last session of the Legislative Assembly, be further authorised to obtain the stationery which has been purchased for the use of the present Legislature, at the same time ; and that he be allowed such additional compensation therefor, as the Legislative Assembly may hereafter allow.

Which was read the first and second time, and

On motion of Mr. Strong, the Council resolved itself into a committee of the whole, for the consideration of said resolution, Mr. Prentiss in the chair.

After some time spent therein, the committee rose and, by their chairman, reported they had come to no conclusion thereon, and asked to be discharged from the further consideration of the subject.

The report was received, and the committee discharged.

On motion of Mr. Martin, by leave,

Resolved, That the Secretary of the Council be authorised to send for such stationery, as may have been purchased for the use of the Legislature.

Mr. Brigham, by leave, submitted the following resolution :

Resolved, That the committee on the Judiciary, be instructed to enquire into the expediency of granting bills of divorce, by Legislative enactment, and make report thereon.

Which was rejected.

Mr. Martin gave notice that, on to-morrow, he would ask leave to bring in "A bill to repeal the several acts relative to the admission of Attorneys to practice in the courts of this Territory." Also, "A bill to provide for the appointment of a Territorial Printer."

Mr. Collins gave notice that, on to-morrow, he would ask leave to introduce "A bill to provide for laying out and establishing a territorial road, running from Madison, in the county of Dane, to the State line of Illinois, at the point where the road from Galena, Illinois, to Gratiot's Grove, in this Territory, crosses said line."

Engrossed bill No. 4, entitled "A bill for an act entitled an act to incorporate the Iowa Copper Company," having been read the third time,

Mr. Sterling obtained the unanimous consent of the Council to amend the same, as follows, viz:

Add to Section 5, "And shall be liable to taxation, to the same extent, and no greater, as other property is, and to be taken in execution in the same manner as other personal property is, or may hereafter be liable by law. And it shall be competent for the Legislature at any time to prescribe the manner in which execution shall be levied thereon;" also, add to section 7, "Provided, they shall abuse any of the privileges provided by this charter."

The question was then taken on the passage of the bill, and determined in the affirmative.—Ayes 10, Noes 3.

The ayes and noes having been called for,

Those who voted in the affirmative, are, Messrs. Brigham, Collins, Irwin, Maxwell, Prentiss, Rountree, Sterling, Wells, Wilson, Bullen, president.

Those who voted in the negative, are, Messrs. Martin, Strong and Vineyard.

The title was then read, and,

On motion of Mr. Prentiss, the same was amended so as to read, "A bill to incorporate the Iowa Copper Company."

Ordered, That the concurrence of the House of Representatives be requested therein.

Engrossed bill No. 8, "A bill to repeal an act, entitled 'an act to authorise the boards of County Commissioners of the several counties in this Territory, to borrow money for the purpose of erecting Court houses and Jails,'" was read the third time; and pending the question on its passage, Mr. Strong moved to lay the same on the table.

Which was agreed to.

Engrossed Bill No. 6, "A bill to provide for the laying out and establishing several territorial roads therein named," was read the third time; when

Mr. Strong moved to re-commit the bill to a committee of the whole. Which was lost.

Message from the House of Representatives, by the Clerk thereof, viz :—

“Mr. President,—I am directed to inform the Council, that in consequence of the illness of the Hon. John W. Blackstone, Speaker, the House of Representatives have appointed the Hon. Ebenezer Childs, Speaker, pro tempore, until the Honorable Speaker shall be able to resume his station in the House.

“The House of Representatives have concurred in bill No. 7, of this House, entitled—

“A bill to amend the act entitled an act to organise the county of Walworth, and to establish the seat of Justice therein ;

“And have indefinitely postponed bill No. 2, Council file, entitled—

“A bill to divide the town of Muskego, and to organize the town of Vernon.”

And then he withdrew.

Mr. Irwin then moved to fill the blanks in bill No. 6, with the following names, viz :—

1st blank—William Dickinson, Louis Grignon and C. R. Brush.

2nd blank—Samuel Irwin, Webster Stanley and George Wright.

3d blank—Clark Dickinson, David Evans and William Powell.

4th blank—J. D. Doty, Paul Beaulieu and Hoel S. Wright.

5th blank—Mason C. Darling, J. P. Brower and John Catlin.

6th blank—Charles D. Cole, David Giddings and John Bannister.

And the question being on the passage of the bill,

Mr. Strong moved to insert, by way of rider, a new section, as follow :

“Sec. 8, None of the above roads shall be laid out and established, unless all the expenses of laying out the same, and for the lands, on which the same shall be established, shall be paid by private contribution.”

Which was read the first time ; and, objections having been made thereto, the question was put, “shall the section be rejected ?” and determined in the affirmative, ayes 10, noes 3.

The ayes and noes having been called for,

Those who voted in the affirmative, are, Messrs. Brigham, Collins, Irwin, Martin, Maxwell, Prentiss, Rountree, Sterling, Wells and Bullen, president.

Those who voted in the negative, are, Messrs. Strong, Vineyard and Wilson.

Mr. Vineyard moved to adjourn, and the motion was lost.

Mr Strong then moved to postpone the further consideration of the bill until Saturday next:

Which was disagreed to.

The question then recurred on the passage of the bill, and it was decided in the affirmative.

On motion of Mr. Martin, the Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The unfinished business of the morning was proceeded in, and the title of bill No. 6, "A bill to provide for the laying out and establishing several territorial roads, therein named," was read and agreed to.

Resolution No. 5, entitled "A resolution in relation to the printing of bills," was read the third time, passed, and the title agreed to.

Ordered, That the concurrence of the House of Representatives be requested therein.

The amendments of the House of Representatives to resolution No. 2, entitled "A resolution to appoint a Fiscal Agent for the Legislative Assembly," having been read, Mr. Strong moved to amend the first amendment, by adding thereto the words, "provided he gives a bond, as hereinafter mentioned, with two or more sufficient securities."

Which was agreed to, and the concurrence of the House of Representatives requested therein.

The second and third amendments were then concurred in.

The amendments of the House, to resolution No. 3, entitled "A resolution to provide for a revision of the laws," were then read, and the amendments separately considered.

The first and second amendments were concurred in; and

On motion of Mr. Martin, the third amendment was disagreed to.

Ordered, That the House of Representatives be informed accordingly.

Bill No. 1, (H. of R. file) entitled "A bill to repeal so much of an act entitled 'an act to divide the county of Iowa,' as establishes the seat of justice of the county of Green, at New Mexico, and to provide for the location of the seat of Justice of the county of Green," was read the first time, and ordered to be laid on the table, and printed.

Messrs. Brigham and Collins were appointed the committee under the resolution of yesterday to procure the necessary furniture for the Council chamber,

Mr. Strong gave notice that he would, on to-morrow, or at some future day, ask leave to bring in a bill for laying out and establishing five territorial roads, from and to different points in and out of the county of Racine, providing that the same shall not be laid out at the county expense.

Mr. Brigham (by leave) moved that the standing rules be amended by striking out the 28th rule, and inserting in place thereof the following:

"It shall be the duty of the committee on Engrossed Bills, to examine all bills, amendments, resolutions and memorials before they are read the third time, or go out of the possession of the Council, and make

report that they are correctly engrossed; which report shall be entered on the journal."

Which was unanimously adopted.

On motion of Mr. Rountree,

Resolved, That the committee on Incorporations be instructed to enquire into the expediency of establishing a Territorial Bank, the capital of which is to be upon loan, and bond upon mortgage of real estate.

On motion of Mr. Martin,

Resolved, That the committee on Internal Improvements enquire into the expediency of establishing a board of commissioners of public works, and of borrowing money on the faith of the territory, for the construction of such works of improvement as may be deemed of importance to the interests of the territory.

On motion of Mr. Strong,

The Council adjourned.

Friday, December 7, 1838.

Mr. Sterling presented the petitions of Providence Hughes and Obedience Reed, severally praying for a divorce.

Ordered to be laid on the table.

On motion of Mr. Wilson,

Resolved, That the Secretary of the Territory be required to inform the Council whether the maps required for the use of the Legislature by a resolution approved December 20th, 1837, have been furnished, or to give such information respecting them, as he may have in his possession.

Mr. Maxwell, from the committee on Internal Improvements to which the petition of inhabitants of the counties of Racine, Rock and Walworth, relative to a Territorial road, was referred, reported bill No. 9, entitled "Bill to provide for laying out and establishing a territorial road from the northern boundary of the State of Illinois, to Madison, Wisconsin Territory."

Which was read the first time, and

On motion of Mr. Strong, ordered to be laid on the table and printed.

Mr. Wells, from the committee on Enrolment, reported that he had presented to the Governor for his approval "Resolution appointing a special messenger to procure the laws of the last annual session of the Legislative Assembly;" also, the following to be correctly entered, viz:

An act to amend the act entitled "an act to organise the county of Walworth, and to establish the seat of justice therein."

Mr. Martin, from the select committee to which had been referred several petitions for divorce, reported the following preamble and resolution, viz :

Whereas, the laws of the Territory have declared for what causes the marriage contract may be dissolved, and have also given to the several courts of record, power to hear, try, and determine all cases in which a dissolution of said contract may be prayed for by any persons aggrieved ; therefore,

Resolved, That it is inexpedient to take jurisdiction of cases of divorce from the courts in which it is now vested, or in any manner to interfere with contracts of marriage made in pursuance of law.

And the question being put on the adoption thereof, it was determined in the affirmative, ayes 8, noes 5.

The ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham, Irwin, Martin, Maxwell, Prentiss, Wells, Wilson, and Bullen. president.

Those who voted in the negative, are Messrs. Collins, Rountree, Sterling, Strong, Vineyard.

Message from the House of Representatives, by the clerk thereof, viz :

"Mr. President,—The House of Representatives have passed a resolution entitled,

"Resolution to choose by joint ballot three commissioners to prepare a code of laws."

"And have concurred in bills of this House, as follow :

"No. 1. 'A bill to amend the act entitled an act concerning the Supreme and District Courts, and defining their jurisdiction and powers.'

"No. 5. 'A bill to legalise the proceedings of the Board of Commissioners of the County of Milwaukee;' the latter with amendments.

"In which resolution and amendments to bill No. 5, they ask the concurrence of this House.

"The House of Representatives have concurred in the amendment to the amendment made by this House to resolution No. 2, respecting the appointment of a Fiscal Agent, &c. ;

"And have insisted on their amendment made to resolution No. 3, to which the Council, had disagreed, entitled 'A resolution to provide for a revision of the Laws.'

"Messrs. Sholes and Story have been appointed a committee of conference on the part of the House, in relation to the said disagreement of the two Houses, and I am directed to request a conference thereon."

And then he withdrew.

Mr. Maxwell, from the committee on Internal Improvements, to which the subject had been referred by special instruction of the Coun-

cil, reported memorial No. 1, "A memorial to the Congress of the United States, praying for a donation of land for the improvement of the navigation of the Pekatoneca River."

Which was read the first and second time and ordered to be laid on the table and printed. (*See Appendix, Doc. A.*)

Mr. Brigham, from the Committee on Territorial Affairs, to which had been referred so much of the Governor's message as relates to the subject therein mentioned, reported memorial No. 2, entitled "A memorial to the Congress of the U. States, praying the extinguishment of the title of the Menomonee Indians to lands within the Territory of Wisconsin."

Which was read the first and second time; and

Ordered, To be laid on the table and printed.

(*See Appendix, Document B.*)

On motion of Mr. Collins,

The Council proceeded to the consideration of that part of the message from the House of Representatives, in relation to the disagreeing vote of the two houses on resolution No. 3, "A resolution to provide for a revision of the laws," when it was

Ordered, That Messrs. Collins and Martin be appointed the committee to confer with the committee appointed by the House of Representatives in relation to said vote.

On motion of Mr. Prentiss,

The Council resolved itself into a committee of the whole, Mr. Brigham in the chair, for the consideration of Resolution No. 7, entitled "A resolution appointing a committee to investigate the state and condition of the Banks in this Territory." And after some time spent in the consideration thereof, the committee rose, and by their chairman reported the resolution with an amendment.

The report was received, the amendment concurred in, and the resolution ordered to be engrossed for a third reading on to-morrow.

The President announced three communications from the Governor, viz :

The first on executive business; which was laid on the table.

The second, informing the Council that he had on yesterday examined and approved a "Resolution appointing a special Messenger to procure the laws of the last annual session of the Legislature."

The third, with accompanying documents as follows :

EXECUTIVE DEPARTMENT, }
December, 6th, 1838. }

To the Honorable the Legislative Council, and House of Representatives :

I herewith enclose a memorial from the citizens of Pleasant Prairie, Racine county accompanied by a communication signed by delegates from the Milwaukee Land District, who represent in part the occupants of the public lands in that district, entitled to the right of pre-

emption, by an act of the Congress of the United States, approved June 22nd, 1838. The settlers on the public lands in the Milwaukee land district, have recently petitioned the President of the United States to delay the sales of the lands to which they are entitled by the right of pre-emption. A suspension of the sales has been granted them for the term of three months, and they now ask of the Legislative Assembly such relief as their present situation demands. The memorialists state that many of them have expended their means in building and making the necessary improvements for the accommodation and support of their families, and that they have not the means of paying the Government for their homes, without resorting to capitalists and speculators, who will charge them from twenty to one hundred per cent. for the use of money. It is believed that a loan of money can be affected by pledging the faith of the Territory; to relieve the wants of this meritorious part of the community; and that by a pledge of real estate security they could obtain from the Territory small sums to enable them to purchase their pre-emption right from the Government. I am not prepared to say to what extent the faith of the Territory can be legally pledged, in negotiating a loan of money, nor what has been the practice and usage of Territorial Governments heretofore on that subject. If, however, the Legislative Assembly have the power to pledge the faith of the Territory in effecting a loan for small sums, it would seem that they had the power to extend their negotiations, in obtaining loans of money for the benefit of the people.

Any mode or plan that may be devised by the Representatives of the people to obtain a loan of money to be applied as before mentioned, consistent with the general provisions of the organic law of Congress, creating this Territory, will have my concurrence. I recommend your early attention to, and action on the subject of this communication.

I have the honor to be,

Your very ob'dt servant,

HENRY DODGE.

Which were read, and on motion of Mr. Martin,

Ordered, To be referred to the committee on Territorial affairs.

On motion of Mr. Martin,

The Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Collins, from the joint committee of conference to which the subject had been referred, made the following report :

The joint committee of conference appointed on the disagreeing vote of the two Houses, in relation to the amendment of the House of Representatives to Resolution No. 3, (C. F.) "To provide for the revision of the laws," beg leave respectfully to report :

That after a conference upon the subject, they have agreed to present to both Houses, for their adoption the following :

Insert after the word "make," in the second line of the latter sentence, the word "such," and strike out after the word "as," in the third line of the sentence, all to the word "and," in the sixth line, inserting in lieu thereof, "may be deemed expedient." The latter sentence of the resolution will then read, "Said committee shall proceed immediately to make such a division of the labor as may be deemed expedient ; and the portion allotted to each branch of the committee shall be digested, arranged and reported, by them to the House of which they may be members."

Which was read, and

On motion of Mr. Irwin, concurred in.

Ordered, That the House of Representatives be informed accordingly.

Resolution, from the House of Representatives, entitled "A resolution to choose by joint ballot, three commissioners to prepare a code of laws," was taken up, read the first time, and on motion of Mr. Strong.

Ordered, That the further consideration thereof be postponed until the 23th day of December, next.

The amendments of the House of Representatives to bill No. 5, (C. F) "A bill to legalize the proceedings of the Board of Commissioners of the County of Milwaukee," were taken up, read, and concurred in.

Ordered, That the House be informed accordingly.

Mr. Strong presented the memorial of Charles Durkee and F. S. Lovell, a committee for inhabitants of Southport, on Lake Michigan, praying the Legislative Assembly to memorialise the Congress of the United States for an appropriation for a harbor and light-house at that place.

Read, and laid on the table.

On motion of Mr. Prentiss.

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of exempting from taxation all improvements made on lands, either in buildings or for agricultural purposes, and all kinds of personal property, except money on hand, debts due and property owned by any corporation, and make report by bill or otherwise.

Mr. Wells, from the committee on Enrolment, reported Resolution No. 2, entitled "A resolution to appoint a fiscal agent of the Legislative Assembly," to be correctly enrolled.

On motion of Mr. Martin,

The Council adjourned until Monday at 10 o'clock, A. M.

Monday, December 10, 1838.

On motion of Mr. Strong,

Resolved, That the 21st rule be amended by striking out all before the word "if" in the second line and inserting "when any bill or resolution has been committed."

Message from the House of Representatives by the Clerk thereof:

"Mr. President—The House of Representatives have concurred in resolution No. 5, of this House, in relation to the printing of bills, and in the joint report of the committee of conference in relation to the disagreeing vote of the two Houses on resolution No. 3, entitled 'A resolution to provide for the revision of the Laws.'

"The House of Representatives have re-considered their vote taken on the indefinite postponement of bill No. 2, of this House, entitled 'A bill to divide the town of Muskego and to organise the town of Vernon.'

"I am directed to present for your signature a bill and resolution of this House entitled as follows:

"No. 7. 'A bill to amend the act entitled an act to organize the county of Walworth, and to establish the seat of Justice therein,' and 'resolution to appoint a fiscal agent of the Legislative Assembly;' which have been signed by the Speaker of the House of Representatives."

And then he withdrew.

The President signed the bill and resolution referred to in the foregoing message.

Mr. Irwin, from the committee on engrossed bills, reported resolution No. 7, entitled "A resolution appointing a committee to investigate the state and condition of the Banks in this Territory," to have been correctly engrossed.

Mr. Wells, from the joint committee on enrolment, reported bill No. 1, entitled an act to amend the act entitled "an act concerning the Supreme and District Courts, and defining their jurisdiction and powers," to be correctly enroled.

Mr. Maxwell, from the committee on Internal Improvements to which had been referred so much of the Governor's message as relates to the subject therein mentioned, reported memorial No. 3, entitled "A memorial to the Congress of the United States, praying for the appropriation of moneys to be applied to the construction of harbors and light-houses, &c. on Lake Michigan." [See Appendix, Document C.]

Which was read the first time.

Mr. Brigham, from the committee on territorial affairs, to which the message of the Executive (and accompanying documents) on the subject had been referred, reported bill No. 10, entitled "A bill authorizing a loan for the benefit of settlers upon the public lands in the Milwaukee land district."

Which was also read the first time.

On motion of Mr. Brigham, bill No. 1, (H. of R. File,) entitled a bill to repeal so much of an act, entitled "an act to divide the county of Iowa, as establishes the seat of justice of the county of Green, at New Mexico, and to provide for the location of the seat of justice of the county of Green," was taken up, read the second time, and ordered to be considered in committee of the whole.

The Council thereupon, resolved itself into a committee of the whole, Mr. Vineyard in the chair, for the consideration of said bill; and, after some time spent therein, the committee rose, and by their chairman, reported the bill to the Council with amendments.

The report of the committee was received, and the amendments read and concurred in, except the following, to wit: to strike out the word "or," in the sixth line of the 3d section, which was disagreed to.

Mr. Martin moved further to amend the bill by striking out the word "appointed" in the second line of the second section.

Which was disagreed to.

The bill was then ordered to a third reading on Thursday next.

On motion of Mr. Prentiss, the Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The President announced a communication from the Governor on Executive business.

On motion of Mr. Strong, the Council proceeded to the consideration of the Executive business.

The Executive business having been disposed of

The President announced the appointment of Messrs. Martin, Strong and Collins the committee on the part of the Council under the joint resolution to provide for a revision of the laws.

Engrossed resolution No. 7, entitled "A resolution appointing a committee to investigate the state and condition of the Banks in this Territory," was read the third time, and pending the question on the passage thereof,

Mr. Vineyard obtained the unanimous consent of the Council to amend the same by striking out in the first line the words "a joint committee consisting of two members of each house," and by inserting in place thereof the words "two committees consisting each of one

member of the Council and two members of the House of Representatives."

The following message from the House of Representatives was then received by the Clerk thereof, viz :

"Mr. President—I am directed to present for your signature the following act, which has been signed by the Speaker of the House of Representatives, entitled

"An act to amend the act entitled an act concerning the Supreme and District Courts and defining their jurisdiction and powers."

"The Speaker has appointed Messrs. Whiton, Story and Shackelford a committee on the part of the House, under the joint resolution of the two Houses, requiring committees to be appointed to revise the laws.

"The House of Representatives have passed a resolution, entitled 'A resolution to authorize the Attorney General to examine the title to the ground on which the Capitol stands,' in which, I am directed to ask the concurrence of this Council."

And then he withdrew.

The President signed the act referred to in the foregoing message.

The question again recurred on the passage of the resolution, when Mr. Martin asked the unanimous consent of the Council to amend the resolution by striking out therefrom "the Bank of Mineral Point and the Bank of Milwaukee," and pending the question thereon, Mr. Strong called for the previous question.

And the question being, "Shall the main question be now put?" it was determined in the affirmative, ayes 7, noes 6.

The ayes and noes having been called for, those who voted in the affirmative are

Messrs. Collins, Rountree, Sterling, Strong, Vineyard, Wells and Wilson.

Those who voted in the negative, are

Messrs. Brigham, Irwin, Martin, Maxwell, Prentiss and Bullen, President.

The resolution was then passed, and

Ordered, That the concurrence of the Council be requested therein.

The President announced a communication from the Secretary of the Territory in relation to the printing of the laws of the last regular, and the annual sessions of the Legislative Assembly; also, a communication in relation to the maps of the Territory ordered by a resolution of the Council dated December 20th, 1838.

Which were read and laid on the table.

Bill No. 2, (H. of R. file) entitled "A bill to organize the counties of Manitowoc and Sheboygan," and a resolution from the House of Representatives, entitled "A resolution to authorize the Attorney General to examine the title to the ground on which the Capitol stands,"

were read the first and second time, and the former ordered to be laid on the table and printed.

On motion of Mr. Strong, the Council resolved itself into a committee of the whole, Mr. Prentiss in the chair, for the consideration of bill No. 3, (H. of R. file) entitled "A bill relating to interest;" resolution No. 6, entitled "A resolution to authorize the location of a portion of the University lands;" and a resolution from the House of Representatives, entitled "A resolution to authorize the Attorney General to examine the title to the ground on which the Capitol stands."

After some time the committee rose, and by their chairman, reported progress, and asked leave to sit again on to-morrow.

Leave was granted.

Mr. Wells, from the joint committee on enrolment, reported that he had presented to the Governor for his examination and approval "A resolution to appoint a Fiscal Agent of the Legislative Assembly."

Mr. Wells gave notice that he would on to-morrow, or at some future day, ask leave to bring in a bill to amend the "act concerning mortgages."

On motion of Mr. Martin the Council adjourned.

Tuesday, December 11, 1838.

The following message was received from the House of Representatives, by the Clerk thereof, viz :

— "Mr. President—The House of Representatives have passed resolution No. 3, (H. of R. file,) entitled "Resolution to elect by ballot committees to investigate the affairs of the several banks in this territory," in which the concurrence of the Council is requested."

And then he withdrew.

Mr. Wells presented the petition of inhabitants of Milwaukee, praying the passage of a law authorizing the construction of a draw bridge over the Milwaukee River, connecting Chesnut street on the west, with Division street on the east side thereof.

Read and referred to committee on the Judiciary.

Mr. Prentiss presented the petition of inhabitants of the county of Milwaukee, praying that the two upper ferries on the Milwaukee river may be declared free, and that the commissioners of said county be authorized to levy a tax upon the property and inhabitants of said county to defray the expenses thereof.

Read and referred to committee on the Judiciary.

Mr. Prentiss presented the memorial of Solomon Faneau and others, owners in part of Lots one, two and three, of Section 32, Town seven.

Range 22, in the county of Milwaukee, praying the Legislative Assembly to memorialize the Congress of the United States, asking a confirmation of the above titles.

Read and referred to select committee of Messrs. Strong, Prentiss and Maxwell.

Mr. Strong offered the following resolution :

Resolved, That every bill, joint resolution, or memorial, on its first, second and third readings, shall be read by its title only, unless otherwise directed.

Which being read, Mr. Martin moved to amend the same by striking out the words "first," and "and third readings," and insert the word "reading" in place of the latter, so as to read "Resolved, that every bill, joint resolution, or memorial, on its second reading shall be read by its title only, unless otherwise directed."

The amendment was agreed to, and the resolution adopted.

Mr. Martin offered resolution, No. 8, entitled "a preamble and resolution to terminate the present session, and to fix the time for commencing the annual session of the Legislative Assembly for 1839 ;" which was read the first time.

Mr. Strong introduced resolution No. 9, entitled "Joint resolution relating to the enacting clause ;" which was also read the first time.

Mr. Martin, from the committee on the Judiciary, reported bill No. 11, entitled "a bill relating to the Judicial districts."

Which was read the first and second time.

Mr. Wells, from the committee on enrolment reported that the committee had this day presented to the Governor for his examination and approval the following acts, viz :

An act to amend the act entitled "An act to organize the county of Walworth, and to establish the seat of Justice therein ;" and

"An act to amend the act entitled "an act concerning the Supreme and District Courts and defining their jurisdiction and powers."

Mr. Wells, from the same committee, also reported "an act to legalize the proceedings of the Board of Commissioners of the county of Milwaukee," to be correctly enrolled.

The President announced several communications as follows :

From the Governor, notifying the Council that he did on yesterday examine and approve "a resolution to appoint a Fiscal Agent for the Territory."

From the Governor, transmitting two petitions from citizens of Racine county, praying for the passage of an act creating a territorial stock of half a million, to be loaned in sums not exceeding four hundred dollars to each actual settler, to purchase the government lands to which he may have the right of pre-emption.

Which was read, and, together with the petitions, referred to the committee on Territorial Affairs.

Also, from the Secretary of the territory, in relation to the great seal

of the territory, and the seals of the several courts and boards of county commissioners, accompanied by a letter from the artist W. Wagner, Esq. of York, Pennsylvania, on the subject, and an impression of each of the seals.

The communication from the Secretary and the accompanying letter were read, and ordered to be referred to a select committee of Messrs. Strong, Irwin and Brigham.

Resolutions and a memorial as follows were read the second time, viz :

Resolution No. 8. A preamble and resolution to terminate the present session and to fix the time for commencing the annual session of Legislative Assembly for 1839.

Resolution No. 9. Joint resolution relating to the enacting clause.

On motion of Mr. Strong, the Council resolved itself into committee of the whole, Mr. Irwin in the chair, for the consideration of the following bills, resolutions and memorials, viz :

Bill No. 3. A bill relating to interest ;

Bill No. 9. A bill to provide for laying out and establishing a territorial road from the northern boundary line of the State of Illinois to Madison, Wisconsin Territory ;

Resolution No. 6. A resolution to authorize the location of a portion of the University lands ;

Resolution No. 8. A preamble and resolution to terminate the present session and to fix the time for commencing the annual session of the Legislative Assembly for 1839 ;

Resolution No. 9. Joint resolution relating to the enacting clause ;

A resolution (from the House of Representatives) to authorize the Attorney General to examine the title to the ground on which the Capitol stands.

Memorial No. 1. A memorial to the Congress of the United States praying for a donation of land for the improvement of the navigation of the Pekatoneca river ; and

Memorial No. 2. A memorial to the Congress of the United States, praying the extinguishment of the title of the Menomonee Indians to lands within the Territory of Wisconsin.

After some time the committee rose, and by their chairman, reported bill No. 9 and resolution No. 6, without amendment, and bill No. 3, resolutions No. 8, 9, and "a resolution (from the House of Representatives) to authorize the Attorney General to examine the title to the ground on which the Capital stands," together with memorials Nos. 1 and 2, with sundry amendments to each.

The report of the committee having been received,

On motion of Mr. Martin,

The Council adjourned.

Wednesday, December 12, 1838.

On motion of Mr. Collins,

Resolved, That the committee on Territorial Affairs be instructed to inquire into the propriety and expediency of procuring a loan of one million of dollars by pledging the faith of this territory for the payment of the same, which shall be so applied as to enable the citizens of the counties of Grant and Iowa to open and improve their mines and erect furnaces for the manufacture of lead, copper, &c.

Mr. Brigham, from the committee on Territorial Affairs, to which the subject was referred, made report as follows :

The committee on Territorial Affairs, to which were referred two petitions from the inhabitants of the county of Racine, praying the passage of an act creating a territorial stock, the funds thereby raised, to be loaned to actual settlers on the public lands, beg leave to report that they had the subject previously under consideration, and reported a bill favorable to the prayer of the petitioners.

They therefore ask leave to be discharged from the further consideration of the subject.

The report was received and the committee discharged accordingly.

Mr. Irwin, from the committee on Internal Improvement, in conformity with instructions from the Council, in relation thereto, reported bill No. 12, entitled "A bill to establish a system of internal improvements, and to authorize a loan of money on the public faith;" which was read the first and second time, and ordered to be laid on the table and printed.

On motion of Mr. Irwin,

Ordered. That 250 copies of bill No. 12 be printed for the use of the Council.

Mr. Martin, from the committee on the judiciary, to which was referred the petition of inhabitants of the county of Milwaukee praying that the two upper ferries on the Milwaukee river may be declared free, reported bill No. 13, entitled "A bill to amend 'an act to establish and regulate ferries in the county of Milwaukee, and the counties thereto attached for judicial purposes;'" which was read the first and second time, and ordered to be laid on the table and printed.

Mr. Wells, according to notice previously given, obtained leave to introduce a bill to amend an act concerning mortgages.

Messrs. Wells, Prentiss and Martin, were appointed the committee to bring in the bill.

Mr. Wells gave notice that he would on to-morrow, or at some future day, ask leave to introduce a bill to provide for aiding in the construction of the Milwaukee and Rock river canal.

Mr. Irwin gave notice that he would on to-morrow, or at some future day, ask leave to introduce a bill to change the corporate name of the "Wisconsin University of Green Bay," and for other purposes.

Mr. Brigham gave notice that he would on to-morrow, or at some future day, ask leave to introduce a bill for laying out and establishing several Territorial roads therein named.

Mr. Collins, according to notice previously given, obtained leave to introduce a bill to provide for laying out a Territorial road from Madison to the state line of Illinois.

Messrs. Collins, Sterling and Vineyard were appointed to bring in the bill.

Mr. Martin, according to notice previously given, obtained leave to introduce a bill to amend the several acts relative to the admission of attorneys and counsellors at law; also, a bill to provide for the appointment of a Territorial printer.

Messrs. Martin, Prentiss and Wilson were appointed the committee to prepare the bills.

Mr. Wells, from the committee appointed for that purpose, introduced bill No. 14, entitled, "A bill to amend an act concerning mortgages;" which was read the first and second time, and ordered to be laid on the table and printed.

Mr. Prentiss, from the judiciary committee, to which was referred the petition of the inhabitants of Milwaukee, praying the passage of a law, authorizing the construction of a draw-bridge over the Milwaukee river, introduced bill No. 15, entitled "A bill to provide for the construction of a bridge across the Milwaukee river in the town of Milwaukee;" which was read a first and second time, and ordered to be laid on the table and printed.

Mr. Collins, from the committee appointed for that purpose, introduced bill No. 16, entitled "A bill to provide for laying out a Territorial road from Madison to the state line of Illinois," which was read a first and second time and ordered to be laid on the table and printed.

Resolution No. 3, (H. of R. File,) entitled "A resolution to authorize the Attorney General to examine the title to the ground on which the Capitol stands," was read a first and second time, and ordered to be committed to the committee of the whole.

The President announced a communication from the Governor, informing the Council that he had on this day approved the following acts, viz:—

"An act to amend the act entitled, 'an act concerning the Supreme and District Courts, and defining their jurisdiction and powers;'" and

"An act to amend the act entitled 'an act to organize the county of Walworth, and to establish the seat of justice therein.'"

On motion of Mr. Martin the unfinished business of yesterday was

taken up, being the report of the committee of the whole on the several bills, resolutions, and memorials had under consideration.

Bill No. 9, and Resolution No. 6, were then ordered to be engrossed for a third reading.

The amendments to Resolution No. 9, and Resolution (from H. of R.) entitled "A resolution to authorize the Attorney General to examine the title to the ground on which the Capitol stands;" and also, to Memorials Nos. 1 and 2, were severally read, concurred in, and the resolutions and memorials ordered to be engrossed for a third reading.

The amendments to bill No. 3, entitled "A bill relating to interest," having been read, Mr. Prentiss moved to strike out all after the enacting clause, and insert in place thereof the following, to wit:—

"SEC. 1. That any rate of interest which persons may agree upon, not exceeding fifteen per centum per annum shall be legal and valid, Provided, that upon all bills of exchange, promissory notes, contracts, debts or demands, wherein the rate of interest is not otherwise specified, it shall be computed at seven dollars for the giving day of payment on the sum of one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time. Provided further, that no bank or corporation shall recover or take directly or indirectly more than seven per cent. interest, for any sum or sums of money loaned.

"SEC. 2. That if any person or corporation shall take, accept or receive for giving day of payment upon any bill of exchange, promissory note, contract, debt or demand, a greater rate of interest than is herein before limited, such person or corporation shall be liable to a suit for the excess; and any person or persons so paying any excess of interest, may recover the same in an action of assumpsit, before any court having competent jurisdiction; Provided, that the suit shall be brought within one year from the day of payment.

"SEC. 3. That an act passed by the Legislative Council of Michigan, entitled 'An act relating to interest on contracts,' approved April 20th, 1833, be repealed."

Mr. Martin moved to amend the amendment by adding an additional section thereto, to be called section 4, to wit:

"SEC. 4. This act shall be published three successive weeks in the Milwaukee Sentinel, Wisconsin Democrat in Brown county, Wisconsin Enquirer in Dane county, and The Miners' Free Press in Iowa county, and shall be so published before the same shall take effect in the respective counties in which said papers are printed; provided, that if the publishers of either of said newspapers shall neglect or refuse to publish the same within six weeks of its passage said act may be published in such manner as the county commissioners of the respective counties shall direct."

The amendment to the amendment having been agreed to, the

question recurred on the original amendment as amended, which was also agreed to—ayes 9—noes 4.

The ayes and noes having been called for,

Those who voted in the affirmative, are Messrs. Brigham, Martin, Maxwell, Prentiss, Rountree, Strong, Wells, Wilson and Bullen, president.

Those who voted in the negative, are Messrs. Collins, Irwin, Sterling and Vineyard.

And on the question, "shall the bill be engrossed and read a third time?" it was determined in the affirmative—ayes 9—noes 4.

The ayes and noes having been called for,

Those who voted in the affirmative, are Messrs. Brigham, Martin, Maxwell, Prentiss, Rountree, Strong, Wells, Wilson and Bullen, president.

Those who voted in the negative, are Messrs. Collins, Irwin, Sterling and Vineyard.

The amendments to Resolution No. 8, having been read and concurred in,

Mr. Collins moved to strike out the third paragraph, and insert in place thereof the following :

"Resolved, (if the House of Representatives concur) that the Legislative Assembly adjourn on Saturday, the 22d inst., to meet again at this place on the 20th day of January next."

Mr. Strong moved to amend the amendment by striking out the word "this place," and insert in lieu thereof "Milwaukee."

Mr. Wells moved to amend the last amendment by striking out the word "Milwaukee" and inserting "Racine."

Mr. Martin called for the previous question ; and, on the question "shall the main question be now put?" it was decided in the affirmative—ayes 7—noes 6.

The ayes and noes having been called for,

Those who voted in the affirmative, are Messrs. Irwin, Martin, Prentiss, Sterling, Vineyard, Wells and Wilson.

Those who voted in the negative, are Messrs. Brigham, Collins, Maxwell, Rountree, Strong and Bullen, president.

The main question was then put—"Shall the resolution be engrossed for a third reading?" and determined in the affirmative—ayes 8—noes 5.

The ayes and noes having been called for,

Those who voted in the affirmative, are Messrs. Brigham, Irwin, Martin, Prentiss, Sterling, Vineyard, Wells and Wilson.

Those who voted in the negative, are Messrs. Collins, Maxwell, Rountree, Strong and Bullen, president.

Engrossed bill No. 8, was, on motion of Mr. Collins, read a third time, passed, and the title agreed to.

Ordered, that the concurrence of the House of Representatives be requested.

On motion of Mr. Irwin, the Council resolved itself into committee of the whole, Mr. Collins in the chair, for the consideration of the following bills, viz :—

No. 10. A bill authorizing a loan for the benefit of settlers upon the public lands in the Milwaukee land district.

No. 11, A bill relating to the Judicial district ; and

No. 2, (H. of R. File) A bill to organize the counties of Manitowoc and Sheboygan.

After some time the committee rose, and by their chairman, reported that the committee had made progress therein, and asked leave to sit again this afternoon.

Leave was granted.

On motion of Mr. Prentiss,

The Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

On motion of Mr. Strong,

Ordered, that the Council do now proceed to the consideration of executive business.

The executive business having been disposed of, the Council resolved itself into a committee of the whole, Mr. Collins in the chair, on the unfinished business of the morning.

The clerk of the House of Representatives was introduced, and the President taking the chair, he delivered the following message, viz :

" Mr. President,—I am directed to present for your signature the following act, which has been signed by the Speaker of the House of Representatives, viz :

" An act to legalize the proceedings of the board of commissioners of the county of Milwaukee."

" The House of Representatives have passed a preamble resolutions and bills, of the following titles, viz :

No. 4, " A preamble and resolutions concerning surveys to be made of a portion of the public lands north of the Wisconsin and east of the Mississippi rivers."

No. 3. " A bill to provide for the destruction of wolves."

No. 4. " A bill for an act entitled ' an act to prevent Horses in certain cases from running at large.' "

" And have concurred in bills and a resolution of this House, with amendments of the following titles, viz :

No. 4. " A bill to incorporate the Iowa Copper Company."

No. 6. " A bill to provide for laying out and establishing several Territorial roads therein named."

No. 7. "A resolution, appointing a committee to investigate the state and condition of the Banks in this Territory."

"In which bills, resolutions and amendments, the concurrence of this House is requested."

And then he withdrew.

The President signed the act referred to in the foregoing message.

The committee resumed its session, and after a short time rose, and by their chairman, reported bill No. 2, (H. of R. File) without amendment, and bills No. 10 and No. 11 with amendments.

The report of the committee was received, and the amendments to bill No. 11, having been concurred in, bills No. 2, (H. of R. File) and bill No. 11, were ordered to a third reading.

The amendment to bill No. 10 having been read, the same was disagreed to.

Mr. Brigham then moved further to amend the bill by inserting after the word "purposes," in the sixth line of the sixth section, the words, "that he is not at present able to purchase the same at the public sales, and has not previously purchased by pre-emption, or otherwise, any land in the Milwaukee land district."

Which was agreed to—ayes 7—noes 5.

The ayes and noes having been called for,

Those who voted in the affirmative, are Messrs. Brigham, Collins, Prentiss, Rountree, Sterling, Vineyard and Wilson.

Those who voted in the negative, are Messrs. Irwin, Maxwell, Strong, Wells and Bullen, president.

Mr. Irwin then moved to amend section ninth by adding thereto the following, viz: "And every sale, conveyance or contract for the sale of the premises, executed by any applicant to any person or persons other than the Territory, previous to the said first day of January, 1844, shall be null and void."

Which was disagreed to.

Mr. Wells moved to amend the first section by striking out the word "three," and insert in place thereof "two."

Which was agreed to.

Mr. Prentiss then moved for a reconsideration of the vote by which the amendment of Mr. Brigham, in the sixth line of the sixth section was adopted.

Which was also agreed to.

Mr. Prentiss then moved to amend the amendment by striking out therefrom the words "or otherwise," which was agreed to.

The amendment was then adopted, and the bill was ordered to be engrossed for a third reading.

On motion of Mr. Irwin, the amendment of the House of Representatives to bill No. 4, entitled "A bill to incorporate the Iowa Copper Company," was read and concurred in.

On motion of Mr. Irwin, the amendments of the House of Representatives to bill No. 6, entitled "A bill to provide for laying out and establishing several territorial roads therein named," were read and concurred in.

On motion of Mr. Vineyard, the amendments of the House of Representatives to resolution No. 7, entitled "A resolution appointing a committee to investigate the state and condition of the Banks in this Territory," were read and concurred in.

Ordered, that the House of Representatives be informed accordingly.

On motion of Mr. Irwin,
The Council adjourned.

Thursday, December 13, 1838.

Mr. Irwin presented the memorial of citizens of Brown county, praying for the passage of a law, authorizing a loan of three millions of dollars on the faith of the Territory, to be appropriated to the improvement of the navigation of the Fox, Wisconsin, Milwaukee, Rock and Pekatoneca rivers.

Read and ordered to be laid on the table.

Mr. Brigham presented the petition of citizens of Green county, in relation to the location of the seat of justice of said county.

Which was laid on the table.

Mr. Martin presented the report of the Treasurer of the Commissioners of the Public Buildings at Madison.

Which was referred to the Committee on Public Expenditures.—

On motion of Mr. Irwin,

Resolved, That the Committee on Territorial Affairs, enquire into the expediency of reporting a memorial to Congress, asking an appropriation of land or money, for the purpose of improving the navigation of the Fox and Rock rivers, and a canal from Winnebago lake to Rock river; also a like appropriation for the improvement of Platte river.

Mr. Irwin, from the Committee on Engrossed Bills, reported the following to be correctly engrossed, viz :

No. 9. A bill to provide for laying out and establishing a Territorial road from the northern boundary line of the State of Illinois to Madison, Wisconsin Territory.

No. 6. A resolution to authorize the location of a portion of the University lands.

No. 8. A preamble and resolution to terminate the present session,

and to fix the time for commencing the annual session of the Legislative Assembly for 1839; and

No. 2. A memorial to the Congress of the United States, praying the extinguishment of the title of the Monomonee Indians to lands within the Territory of Wisconsin.

Mr. Wells, from the committee on enrolment, reported the following to be correctly enrolled, viz:—

An act to incorporate the Iowa Copper Company; and

An act to provide for laying out and establishing several Territorial roads therein named.

Mr. Wells, from the same committee, also reported that the Governor had been presented, for his approval, with "An act to legalize the proceedings of the Board of Commissioners of the County of Milwaukee."

Mr. Sterling, from the Select Committee, to which was referred so much of the Governor's message as relates thereto, reported memorial No. 4, entitled "A memorial to the Congress of the United States, for the relief of the owners or proprietors of mineral lots in the Wisconsin land district."

[See Appendix, Doc. D.]

Which was read a first and second time, and ordered to be laid on the table and printed.

Mr. Wells, according to notice previously given, obtained leave to introduce a bill to provide for aiding in the construction of the Milwaukee and Rock River Canal.

Messrs. Wells, Brigham and Wilson, were appointed the committee to prepare the bill.

Mr. Martin, from the committee appointed for that purpose, introduced bill No. 17, entitled "A bill to amend the several acts relative to the admission of Attorneys and Counsellors at Law."

Which was read twice, and ordered to be laid on the table and printed.

Mr. Irwin, from the Committee on Engrossed Bills, by leave, reported memorial No. 1, entitled "A memorial to the Congress of the United States, praying for a donation of land for the improvement of the navigation of the Pekatoneca river," to be correctly engrossed.

Mr. Irwin, according to notice previously given, obtained leave to bring in a bill to change the corporate name of the "Wisconsin University of Green Bay," and for other purposes.

Messrs. Irwin, Martin and Prentiss were appointed the committee to prepare the bill.

Bills from House of Representatives, viz:

"No. 3. A bill to provide for the destruction of wolves;" and

"No. 4. A bill for an act, entitled an act to prevent horses in certain cases from running at large;" and

"Resolution No. 4. A preamble and resolutions concerning sur-

veys to be made of a portion of the public lands north of the Wisconsin and east of the Mississippi river; were read the first and second time, and ordered to be committed to a committee of the whole.

Message from the House of Representatives, by the Clerk thereof, viz:

"Mr. President—I am directed to present for your signature the following acts, which have been signed by the Speaker of the House of Representatives, viz:

"An act to incorporate the Iowa Copper Company."

"An act to provide for laying out and establishing several Territorial roads therein named."

"The House of Representatives have passed memorial No. 2, entitled 'A memorial to Congress, praying for appropriations for harbors on the western shore of Lake Michigan.'"

"In which the concurrence of this body is requested."

And then he withdrew.

The President signed the acts referred to in the foregoing message.

Bill No. 2, (H. of R.) entitled "A bill to organize the counties of Manitowoc and Sheboygan," was read the third time, passed, and the title agreed to.

Resolution (from H. of R.) entitled "A resolution to authorize the Attorney General to examine the title to the ground on which the Capitol stands," was read the third time and passed; and the question being taken on the title, Mr. Martin moved to strike out the words "Attorney General," and insert in place thereof the words "District Attorney of the United States for the Territory of Wisconsin."

Which was agreed to.

Ordered, that the House of Representatives be informed accordingly.

Bill No. 1, (H. of R. file) was, on motion of Mr. Brigham, ordered to be committed to a select committee, together with the several petitions in relation thereto.

Messrs. Brigham, Maxwell and Sterling were appointed the committee.

Bill No. 9, entitled "A bill to provide for laying out and establishing a territorial road from the northern boundary line of the State of Illinois to Madison, Wisconsin Territory," having been read the third time, Mr. Maxwell obtained the unanimous consent of the Council to amend the same in the third line of the second section, by striking out "1828," and inserting in place thereof 1838."

The bill was then passed and the title agreed to.

Resolution No. 6, entitled "A resolution to authorize the location of a portion of the University lands," having been read the third time;

Mr. Wells moved to postpone further action thereon until tomorrow.

Which was agreed to.

Resolution No. 8, entitled "A preamble and resolution to terminate the present session, and to fix the time for commencing the annual session of the Legislative Assembly for 1839," having been read the third time, Mr. Wells asked the consent of the Council to amend the third paragraph by striking out "Wednesday the 19th," and inserting "Saturday the 22nd."

Which was refused.

The resolution was thereupon passed, and the title agreed to.

The following memorials were then read a third time, passed, and the titles agreed to, viz :

No. 1. A memorial to the Congress of the United States, praying for a donation of land for the improvement of the navigation of the Pekatoneca river.

No. 2. A memorial to the Congress of the United States, praying the extinguishment of the title of the Menomonee Indians to lands within the Territory of Wisconsin.

Ordered, that the concurrence of the House of Representatives be requested in the bill, resolution and memorials just passed.

On motion of Mr. Irwin, the Council resolved itself into a committee of the whole, Mr. Rountree in the chair, for the consideration of the several bills, resolutions and memorials on the table ; and after some time the committee rose, and reported by their chairman, that the committee had made progress therein, and asked leave to sit again this afternoon.

Leave was granted.

Mr. Wells, from the committee on enrolment, reported "A resolution appointing committees to investigate the state and condition of the several banks in this territory," to be correctly enroled.

On motion of Mr. Wells,

The Council adjourned until three o'clock, P. M.

3 O'CLOCK, P. M.

The unfinished business of the morning having been taken up, the Council again resolved itself into a committee of the whole, Mr. Rountree in the chair, and after some time spent in the consideration thereof, the committee rose and by their chairman reported the several bills, a resolution and memorial, as follows, viz :

No. 3, (H. of R.) A bill to provide for the destruction of wolves.

No. 4, (H. of R.) A bill for an act entitled an act to prevent horses in certain cases from running at large.

No. 4, (H. of R.) A preamble and resolution concerning surveys to be made of a portion of the public lands north of the Wisconsin and east of the Mississippi rivers.

No. 13. A bill to amend an act entitled "an act to establish and regulate ferries in the county of Milwaukee and the counties thereto attached, for judicial purposes."

No. 15. A bill to provide for the construction of a bridge across the Milwaukee river in the town of Milwaukee; and

Memorial No. 2. A memorial to the Congress of the United States, praying for the appropriation of moneys to be applied to the construction of harbors, light-houses, &c. on Lake Michigan, with an amendment thereto; and a resolution,

No. 3. (H. of R.) entitled "A resolution to elect, by ballot, committees to investigate the affairs of the several banks in this territory," without amendment.

The report of the committee was received, the amendments concurred in, and bill No. 4, (H. of R.) and bills No. 13 and 14, were ordered to be engrossed for a third reading.

On motion of Mr. Strong,

Resolution No. 3, (H. of R.) was indefinitely postponed.

Resolution No. 4, (H. of R.) was further amended, on motion of Mr. Martin, by striking out all after the word "Resolved," in the second paragraph and inserting as follows, viz: "that our Delegate to Congress be requested to use his influence to obtain an immediate survey of the public lands north of the Wisconsin and Fox, and east of the Mississippi rivers."

Mr. Martin also moved to amend the third paragraph by striking out all after the word "Resolved," and inserting in place thereof, as follows: "that the Governor be requested to forward one copy of the foregoing preamble and resolution to the commissioner of the General Land Office, and one copy to our Delegate in Congress."

Which was agreed to, and the bill was ordered to a third reading.

Bill No. 3. (H. of R.) was further amended, on motion of Mr. Irwin, by inserting after the word "Territory," in the fourth line of the first section, as follows: "except of the county of Brown and the counties thereto attached for judicial purposes."

The bill was then ordered to a third reading.

Memorial No. 3 was further amended, on motion of Mr. Irwin, by adding to the last paragraph the following: "also that a sum of money not exceeding one thousand dollars, may be appropriated for the purpose of surveying and examining the mouth of Twio River, on Lake Michigan, with the view of constructing a harbor at said place."

The memorial was then ordered to be engrossed for a third reading.

Mr. Prentiss, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 10. A bill authorizing a loan for the benefit of settlers upon the public lands in the Milwaukee land district;

No. 11. A bill relating to the judicial districts; and

Resolution No. 9. Joint resolution relating to the ensuing clause.

Mr. Irwin, from the same committee, reported bill No. 3, "A bill relating to interest," to be correctly engrossed.

Mr. Wells offered the following resolution :

Resolved, That the committee to whom was yesterday referred the bill concerning mortgages, be instructed to report the same on tomorrow.

Which was rejected.

On motion of Mr. Prentiss,

The Council adjourned.

Friday, December 14, 1838.

Mr. Brigham, from the committee on territorial affairs, to which the subject had been referred, reported memorial No. 5, entitled "A memorial to the Congress of the United States setting forth the claims of this territory to the jurisdiction of all the country north of a line drawn due west from the southern extreme of Lake Michigan, and praying the passage of a law authorizing the inhabitants to form a constitution and state government."

[See appendix, Doc. E.]

The memorial was read twice, and ordered to be laid on the table and printed.

On motion of Mr. Wells,

Ordered, that three hundred copies of the memorial be printed for the use of the Council.

Mr. Martin, from the committee on the Judiciary, to which the petition on the subject had been referred, reported memorial No. 6, entitled "A memorial praying Congress to grant to the Brothertown and Stockbridge Indians the title of their lands in fee, and the privileges of citizenship."

[See Appendix, Doc. F.]

Which was read twice and ordered to be laid on the table and printed.

Mr. Irwin, from the committee on engrossed bills, reported the following to be correctly engrossed, viz :

Memorial No. 3. A memorial to the Congress of the United States praying for the appropriation of moneys to be applied to the construction of harbors and light-houses, &c. on Lake Michigan ;

Bill No. 13. A bill to amend an act to establish and regulate ferries in the county of Milwaukee and the counties thereto attached for judicial purposes ; and

No. 15, A bill to provide for the construction of a bridge across the Milwaukee river in the town of Milwaukee.

Mr. Wells, from the committee on enrolment, reported the following to have been presented to the Governor for his approval :

An act to incorporate the Iowa Copper Company; and

An act to provide for laying out and establishing several territorial roads therein named.

The following message was received from the House of Representatives by the Clerk thereof, viz :—

“ Mr. President—The House of Representatives have concurred in the amendments made by the Council to resolution No. 5, entitled “ A resolution to authorize the Attorney General to examine the title to the ground on which the Capitol stands.”

“ And have also concurred in bill No. 9 of this House, entitled

“ A bill to provide for laying out and establishing a Territorial road from the northern boundary line of the State of Illinois to Madison, Wisconsin Territory.”

“ I am directed to present for your signature, “ A resolution appointing committees to investigate the state and condition of the several Banks in this Territory,” which has been signed by the Speaker of the House of Representatives.”

And then he withdrew.

The President signed the resolution referred to in the foregoing message.

Mr. Strong, from the select committee, to which the subject had been referred, submitted the following report and resolution :

“ The select committee, to whom was referred the communication of the Secretary of the Territory, concerning the seals for the different counties, enclosing impressions of the same, having had the subject under consideration, beg leave respectfully to submit the following report :

“ Your committee, upon examining the impressions of the different seals, cannot but admire the felicity of design, the neatness of mechanical execution, and the chaste and most refined taste exhibited throughout the same. They are comprehensive in their design, yet not crowded with a multitude of images, elegant and beautiful; yet not too high wrought, and peculiarly significant, and appropriate to the pursuits of the country. The great seal of the Territory, dated the fourth of July, 1836, the commencement of our political existence, while it represents the pursuits of the citizens of the different parts of the Territory, mineral, agricultural and commercial, at the same time by its symbols and expressive motto “ *civilita succedit barbarum*,” holds up to view, in a strong light, the progress of civilization, and the continual regress of ignorance and barbarism. All the seals shew an originality of design, creditable to the artist; the more so, as he is a native of our country, and self taught in his art. Your committee would, therefore, recommend the passage of the following resolution :—

"Resolved, That the Secretary of the Territory be requested to communicate to the artist, Mr. W. Wagner, that the manner in which he has engraved the seals, designed for the use of this Territory, is highly satisfactory to the members of the Council."

The report was received, and the resolution adopted.

Mr. Brigham, from the select committee, to which had been referred bill No. 1, (H. of R. file) entitled "A bill to repeal so much of an act, entitled 'an act to divide the county of Iowa,' as establishes the Seat of Justice of the county of Green at New Mexico; and to provide for the location of the Seat of Justice of the county of Green," with the several petitions on the subject, reported the bill back again to the Council without amendment.

Mr. Irwin, from the committee appointed for that purpose, reported bill No. 18, entitled "A bill to change the corporate name of the 'Wisconsin University of Green Bay,' and for other purposes;" which was read twice, and ordered to be laid on the table and printed.

Mr. Prentiss, from the select committee, to which the memorial on the subject had been referred, reported memorial No. 7, entitled "A memorial to the Congress of the United States, asking a confirmation of the titles to the lots one, two and three, in section 32, town 7, range 22, in the county of Milwaukee;" which was read twice, and ordered to be laid on the table and printed.

[See Appendix, Doc. G.]

Mr. Brigham, according to notice previously given, asked and obtained leave to bring in a bill to provide for laying out the several territorial roads therein named.

Messrs. Brigham, Maxwell and Strong were appointed a committee to prepare the bill.

Mr. Brigham, from the committee appointed for that purpose, introduced bill No. 19, entitled "A bill to locate several territorial roads therein named;" which was read twice, laid on the table, and ordered to be printed.

The President announced a message from the Governor, informing the Council, that he had examined and approved the following, viz:

"An act to incorporate the Iowa Copper Company."

"An act to provide for laying out and establishing several territorial roads therein named;" and

"An act to legalize the proceedings of the board of commissioners of the county of Milwaukee."

The President also announced a message from the Governor, on executive business.

On motion of Mr. Irwin,

Ordered, that to-morrow be assigned for the consideration of executive business.

Bill No. 3, "A bill relating to interest," was read the third time,

and the question being on the passage thereof, it was decided in the affirmative—ayes 9—nays 4.

The yeas and nays being called for,

Those who voted in the affirmative, are Messrs. Brigham, Martin, Maxwell, Prentiss, Rountree, Strong, Wells, Wilson and Bullen, president.

Those who voted in the negative, are Messrs. Collins, Irwin, Sterling and Vineyard.

The title was then read and agreed to.

Resolution No. 9. "Joint resolution relating to the enacting clause, having been read the third time, Mr. Martin, asked the unanimous consent of the Council to amend the same by inserting an (s) at the end of the word "enact;" which was refused; when,

On motion of Mr. Wells, ordered, that any further action on the resolution be postponed until to-morrow.

Bill No. 10. "A bill, authorizing a loan for the benefit of settlers upon the public lands in the Milwaukee land district," was read the third time, and the question being on the final passage thereof, it was decided in the affirmative—ayes 7—nays 6.

The yeas and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham, Martin, Maxwell, Prentiss, Strong, Wells and Bullen, president.

Those who voted in the negative, are Messrs. Collins, Irwin, Rountree, Sterling, Vineyard and Wilson.

The title of the bill was then read and agreed to.

Ordered, that the concurrence of the House of Representatives be requested in the several bills, and a memorial just passed.

The following message was received from the House of Representatives, by the clerk thereof, viz:

"Mr. President—The House of Representatives have concurred in memorials Nos. 1 and 2 of this House, entitled as follows:

No. 1. "A memorial to the Congress of the United States, praying for a donation of land for the improvement of the navigation of the Potomac river," and

No. 2. "A memorial to the Congress of the United States praying the extinguishment of the title of the Menomonee Indians to lands within the Territory of Wisconsin," the former with amendments, in which the concurrence of the Council is requested.

The Speaker of the House of Representatives has signed "a resolution to authorize the District Attorney of the United States for the Territory of Wisconsin to examine the title to the ground on which the Capitol stands," and I am directed to present the same to the President of the Council for his signature."

And then he withdrew.

The President signed the resolution referred to in the foregoing message.

On motion of Mr. Martin, bill No. 11, "A bill relating to the judi-

cial districts," was ordered to be re-committed to the committee of the whole.

On motion, the Council adjourned until three o'clock, P. M.

3 O'CLOCK, P. M.

Bill No. 13. "A bill to amend an act to establish and regulate ferries in the county of Milwaukee, and the counties thereto attached for judicial purposes," was read the third time, passed, and the title agreed to.

Bill No. 15. "A bill to provide for the construction of a bridge across the Milwaukee river, in the town of Milwaukee," having been read the third time, Mr. Prentiss obtained the unanimous consent of the Council to amend the same by striking out all after the word "craft," in the ninth line of the first section, and inserting as follows: "passing up or down said river."

The bill was then passed and the title read and agreed to.

On motion of Mr. Irwin,

Ordered, that the further consideration of bill No. 3, (H. of R.) "A bill to provide for the destruction of wolves," be postponed until Monday next.

Bill No. 1, (H. of R.) entitled "A bill to repeal so much of an act entitled 'an act to divide the county of Iowa,' as establishes the Seat of Justice of the County of Green at New Mexico, and to provide for the location of the Seat of Justice of the County of Green," was read the third time, passed, and the title agreed to.

Resolution No. 4, (H. of R.) "A preamble and resolutions concerning surveys to be made of a portion of the public lands north of the Wisconsin and east of the Mississippi rivers," was read the third time and passed.

The title of the resolution having been read, Mr. Brigham moved to amend the same, by inserting after the word "Wisconsin," the words "and Fox," which was agreed to, and the title was thereupon adopted.

Ordered, that the House of Representatives be informed accordingly.

On motion of Mr. Martin, bill No. 4, (H. of R.) "A bill for an act entitled an act to prevent horses in certain cases from running at large," was referred to the committee appointed to revise the laws of the Territory.

Resolution No. 6, "A resolution to provide for the location of a portion of the University lands," having been read the third time,

Mr. Martin moved to fill the first blank with the name of John V. Suydam, of Brown county."

Mr. Collins moved to fill the second blank with the name of "William S. Hamilton, of Iowa county."

Mr. Prentiss moved to fill the third blank with the name of "William S. Thayer, of Milwaukee county."

Mr. Martin moved to fill the fourth blank with the words "first Monday of February."

Which motions were severally agreed to.

Mr. Collins then obtained the unanimous consent of the Council to amend the last paragraph of the resolution, by striking out the word "three," before dollars, and inserting in lieu thereof the word "five."

The resolution was then passed, and the title read and agreed to.

Ordered, that the concurrence of the House of Representatives be requested in the several bills and the resolution of the Council just passed.

On motion of Mr. Collins, the Council resolved itself into a committee of the whole, Mr. Maxwell in the chair, for the consideration of bill No. 16, entitled "a bill to provide for laying out a territorial road from Madison to the state line of Illinois," and after some time the committee rose, and by their chairman reported the bill without amendment.

The report of the committee was received and concurred in, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Martin,

The Council adjourned.

Saturday, December 15, 1838.

On motion of Mr. Martin, the vote of yesterday, by which bill No. 4, (H. of R.) "A bill for an act entitled an act to prevent horses in certain cases from running at large," was committed to the committee appointed to revise the laws of the territory, was re-considered.

Mr. Irwin, from the committee on engrossed bills, reported bill No. 16, "A bill to provide for laying out a territorial road from Madison to the state line of Illinois," to be correctly engrossed.

Mr. Brigham, from the committee on territorial affairs, in accordance with instructions from the Council, reported memorial No. 8, "A memorial to the Congress of the United States praying a donation of land for the improvement of the Fox and Rock rivers."

[See Appendix, Doc. H.]

Which was read twice and ordered to be laid on the table and printed.

Mr. Martin, from the committee appointed for that purpose, reported bill No. 20, "A bill to provide for the election of a territorial printer;" which was read the first and second time, and ordered to be laid on the table and printed.

The President announced a communication from the Governor on Executive business.

On motion of Mr. Strong, the Council proceeded to the consideration of Executive business.

The Executive business having been disposed of,

Memorial No. 2. (H. of R.) "A memorial to Congress, praying for appropriations for harbors on the western shore of Lake Michigan," was read the first and second time and ordered to be committed to a committee of the whole.

The amendments of the House of Representatives to memorial No. 1, "A memorial to the Congress of the United States, praying for a donation of land for the improvement of the navigation of the Pekatoncca river," was read and concurred in.

Ordered, that the House of Representatives be informed accordingly.

The following message was received from the House of Representatives by the Clerk thereof, viz :

"Mr. President,—I am directed to present for your signature, "An act to organize the counties of Manitowoc and Sheboygan," which has been signed by the Speaker of the House of Representatives.

"The House have concurred in a preamble and resolutions of this House, entitled "A preamble and resolutions to terminate the present session and to fix the time for commencing the annual session of the Legislative Assembly for 1839," with amendments; in which the concurrence of the Council is requested."

And then he withdrew.

The President signed the act referred to in the foregoing message.

Bill No. 4, (H. of R.) "A bill for an act entitled an act to prevent horses in certain cases from running at large," was read the third time and passed; and the question being on the title thereof, Mr. Prentiss moved to amend the same by striking out the words "for an act entitled an act," which was agreed to.

Mr. Strong moved further to amend the title by striking out the word "horses," and inserting "stallions" in place thereof; which was also agreed to, and the title as amended was then adopted.

Ordered, that the House of Representatives be informed accordingly.

Engrossed bill No. 16, "A bill to provide for laying out a territorial road from Madison to the state line of Illinois," and resolution No. 6, "A resolution to authorize the location of a portion of the University lands," were read the third time, passed, and the titles agreed to.

Ordered, that the concurrence of the House of Representatives be requested therein.

On motion of Mr. Strong, the Council resolved itself into a committee of the whole, Mr. Wilson in the chair, for the consideration of the bill and memorial on the table; and after some time, the committee rose, and by their chairman reported as follows :

Bill No. 11, "A bill relating to the judicial districts," with several amendments thereto; and,

Memorial No. 3, (H. of R.) "A memorial to Congress, praying for appropriations for harbors on the western shore of Lake Michigan," without amendment.

The report of the committee was received, the amendments to bill No. 11 were concurred in, and the bill ordered to be engrossed for a third reading.

Memorial No. 3, (H. of R.) was ordered to a third reading.

On motion of Mr. Strong, it was ordered that bill No. 11, as amended, be re-printed.

Mr. Wells, from the committee on enrolment, reported the following to be correctly enroled, viz:

An act to provide for laying out and establishing a Territorial road from the northern boundary line of the state of Illinois to Madison, Wisconsin Territory; and

A memorial to the Congress of the United States, praying the extinguishment of the title of the Menomonee Indians to lands within the Territory of Wisconsin.

Mr. Wells, from the same committee, also reported "A resolution to authorize the district attorney of the United States for the Territory of Wisconsin, to examine the title to the ground on which the Capitol stands," to have been presented to the Governor for his examination and approval.

On motion of Mr. Strong,

Ordered, that bill No. 12, "A bill to establish a system of internal improvements, and to authorize a loan of money on the public faith," be referred to the committee appointed to revise the laws, with instructions to report thereon, on the first day of the next session.

The amendments of the House of Representatives to resolution No. 8, "A preamble and resolution to terminate the present session, and to fix the time for convening the annual session of the Legislative Assembly for 1839," were read and concurred in.

Ordered, that the House of Representatives be informed accordingly.

Mr. Wells, from the committee appointed for that purpose, introduced bill No. 21, "A bill to provide for aiding in the construction of the Milwaukee and Rock River Canal;" which was read twice, and ordered to be laid on the table and printed.

On motion of Mr. Prentiss,

Ordered, that one hundred extra copies of said bill be printed for the use of the Council.

On motion of Mr. Strong, the vote of yesterday, by which bill No. 3, (H. of R.) "A bill to provide for the destruction of wolves," was postponed until Monday next, was reconsidered and the bill was ordered to be read a third time now.

The bill was therefore read a third time, and the question being on the passage thereof, Mr. Brigham obtained unanimous consent to amend the first section by striking out in the ninth line the words "full grown," before "wolf."

The bill was then passed, and the title read and agreed to.

Ordered, that the House of Representatives be informed accordingly.

On motion of Mr. Strong,

The Council adjourned.

Monday, December 17, 1838.

Mr. Irwin, from the committee on engrossed bills, reported bill No. 11, entitled "A bill relating to the Judicial Districts," to be correctly engrossed.

Mr. Wells, from the committee on enrolment, reported "An act to organize the counties of Manitowoc and Sheboygan," to have been presented to the Governor for his examination and approval.

The President announced a communication from J. G. Edwards, contractor for printing the laws of the last annual session, and the extra session of the Legislative Assembly, accompanied by a printed copy of said laws.

Engrossed bill No. 11, entitled "A bill relating to the Judicial Districts," having been read the third time, Mr. Prentiss asked the unanimous consent of the Council to amend the fourth section thereof, as follows, viz :

In the 12th line, strike out "third," and insert "second ;" also, strike out "April," and insert "May ;" and strike out all after the word "April," and insert "and third Monday of November;" so as to read:

"Racine, on the third Monday of May and fourth Monday of November."

In the 14th line, strike out all after the word "May," and insert the words "and fourth Monday of October;" so as to read :

"Milwaukee on the fourth Monday of May and fourth Monday of October."

In the 16th line, strike out "third," and insert "fourth ;" also, strike out all after the word "June," and insert the words "and first Monday of October," so as to read :

"Brown, on the fourth Monday of June and first Monday of October."

And pending the question thereon,

On motion of Mr. Strong, it was ordered that the further consideration of the bill be postponed for the present.

Memorial No. 2, (H. of R.) "A memorial to Congress praying for appropriations for harbors on the western shore of Lake Michigan," having been read the third time,

Mr. Irwin obtained the unanimous consent of the Council to amend the sixth line of the third paragraph, by inserting the words "in most instances," after the words "have already."

Mr. Irwin obtained the unanimous consent of the Council further to amend the memorial by inserting the following, before the concluding paragraph, viz :

"Also, an appropriation for the purpose of constructing and placing buoys in the channel near the entrance of Fox river, at the head of Green Bay, the sum of fifteen hundred dollars.

"Also, an appropriation of a sum not exceeding two thousand dollars to survey the route and report the practicability of a cut from Sturgeon Bay to Lake Michigan, a distance of two miles.

"And also, an appropriation of a sum not exceeding one thousand dollars for the purpose of examining the mouth of Twin river, on Lake Michigan, and with the view of constructing a harbor."

The memorial was then passed, and the title read and agreed to.

Ordered, that the House of Representatives be informed thereof.

The following message was received from the House of Representatives by the clerk thereof, viz :

"Mr. President,—The House of Representatives have concurred in the several amendments made by this House to the following bills and resolutions, viz :

"No. 1, A bill to repeal so much of an act entitled an act to divide the county of Iowa, as establishes the seat of justice of the county of Green ;

"No. 3, A bill to provide for the destruction of wolves ;

"No. 4, A bill to prevent stallions, in certain cases, from running at large ; and

"No. 4, A preamble and resolution concerning surveys to be made of a portion of the public lands north of the Wisconsin and Fox and east of the Mississippi rivers.

"The House has passed bill No. 10, entitled "A bill to lay out and establish certain territorial roads," in which the concurrence of the Council is requested.

"The Governor has notified the House of Representatives that he did on the 15th inst., examine and approve "A resolution to authorize the District Attorney of the United States for the Territory of Wisconsin, to examine the title to the ground on which the Capitol stands ;

"And also, that he did on to-day approve, "An act to organize the counties of Manitowoc and Sheboygan.

"I am directed to present for the signature of the President the fol-

lowing act and memorial which have been signed by the Speaker of the House of Representatives, viz:—"An act to provide for laying out and establishing a territorial road from the northern boundary line of the state of Illinois to Madison, Wisconsin Territory.

"A memorial to the Congress of the United States, praying the extinguishment of the title to the Menomonee Indians to lands within the Territory of Wisconsin.

Resolution No. 9, of this House, "relating to the enacting clause," has been indefinitely postponed."

And then he withdrew.

The President signed the act and memorial referred to in the foregoing message.

Bill No. 10, (H. of R.) entitled "A bill to lay out and establish certain territorial roads," was read twice and ordered to be committed to a committee of the whole.

On motion of Mr. Irwin, the Council resolved itself into committee of the whole, Mr. Wells in the chair, for the consideration of the several bills and a memorial on the table; and after some time the committee rose, and by their chairman reported the following with amendments to each, viz:

No. 17. A bill to amend the several acts relative to the admission of attorneys and counsellors at law.

No. 18. A bill to change the corporate name of the Wisconsin University of Green Bay, and for other purposes.

Also, No. 10, (H. of R.) A bill to lay out and establish certain territorial roads; and

No. 6. A memorial praying Congress to grant to the Brothertown and Stockbridge Indians the title to their lands in fee, and the privilege of citizenship.

The amendments to bills No. 17 and No. 18, were concurred in, and the bills ordered to be engrossed for a third reading.

On motion of Mr. Strong, bill No. 10, (H. of R.) was ordered to be committed to a select committee, with instructions to report the number of territorial roads authorized to be laid out and established through Rock county.

Messrs. Strong, Collins and Maxwell were appointed the committee.

The following message was received from the House of Representatives, by the clerk thereof, viz:

"Mr. President—The House of Representatives have appointed Messrs. Childs and Carver a committee on the part of the House, to act in conjunction with a similar committee to be appointed on the part of the Council, to take into consideration the communication of James G. Edwards, in relation to the printing of the laws; a copy of which is herewith presented to the Council.

"The House of Representatives have concurred in bills of this House, with amendments, entitled as follows:

"No. 15, A bill to provide for the construction of a bridge across the Milwaukee river, in the town of Milwaukee.

"No. 16, A bill to provide for laying out a Territorial road from Madison to the state line of Illinois.

"In which amendments the concurrence of the Council is requested."

And then he withdrew.

The question being on engrossing for a third reading Memorial No. 6, Mr. Wilson moved to amend the same by adding at the end of the seventh line of the first paragraph, the words "except the right of voting or holding office;" which was agreed to.

Mr. Wilson then moved further to amend the memorial by adding to the end of the last paragraph the words "except voting for or holding any territorial office, except town or county offices."

Mr. Strong moved to amend the amendment by striking out the word "territorial," which was agreed to.

Mr. Vineyard then moved further to amend the amendment by inserting after the words "county offices" the words "and of selling and transferring the right of soil," which was disagreed to.

The question then being on the amendment as amended, it was decided in the affirmative, ayes 8, noes 4.

The ayes and noes having been called for,

Those who voted in the affirmative are, Messrs. Irwin, Martin, Maxwell, Prentiss, Strong, Wells, Wilson and Bullen, president.

Those who voted in the negative are, Messrs. Collins, Rountree, Sterling and Vineyard.

And on the question, "shall the memorial be engrossed and read a third time?" it was decided in the affirmative, ayes 8, noes 4.

The ayes and noes having been called for,

Those who voted in the affirmative are, Messrs. Irwin, Martin, Maxwell, Prentiss, Strong, Wells, Wilson and Bullen, president.

Those who voted in the negative are, Messrs. Collins, Rountree, Sterling and Vineyard.

On motion of Mr. Irwin,

The Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Irwin, from the committee on engrossed bills, reported the following to be correctly engrossed:

No. 17. A bill to amend the several acts relative to the admission of Attorneys and Counsellors at Law; and

No. 18. A bill to change the corporate name of the Wisconsin University of Green Bay, and for other purposes.

The amendment of the House of Representatives to bill No. 15, "A

bill to provide for the construction of a bridge across the Milwaukee river, in the town of Milwaukee," having been read, Mr. Wells moved to amend the same by adding thereto as follows: "Provided the bridge contemplated by this act shall be completed in one year from May next."

The motion made to amend was agreed to, and the amendment of the House of Representatives, as amended, was concurred in.

Ordered, that the House of Representatives be informed accordingly.

The amendment of the House of Representatives to bill No. 16, "A bill to provide for laying out a territorial road from Madison to the state line of Illinois," was read and concurred in.

Ordered, that the House of Representatives be informed thereof.

The message from the House of Representatives in relation to the appointment of a joint committee to take into consideration the communication of James G. Edwards, in relation to the printing of the laws, together with the communication referred to, having been read,

On motion of Mr. Strong,

Ordered, that a committee be appointed on the part of the Council, to act in conjunction with the committee appointed on the part of the House of Representatives.

Messrs. Strong and Prentiss were appointed the committee.

Ordered, that the Secretary inform the House thereof.

On motion of Mr. Strong, the Council resolved itself into a committee of the whole, Mr. Prentiss in the chair, for the consideration of bill No. 20, entitled "A bill to provide for the election of a territorial printer;" and, after some time spent therein, the committee rose, and by their chairman reported the bill with sundry amendments thereto.

The report of the committee was received, and the first, second, third and fourth amendments concurred in.

Mr. Wells moved to disagree to the fifth amendment by the committee, viz: "Section 11, Said printer shall reside at the seat of Government, and all the printing authorized by this act shall be done at the seat of Government."

Which was determined in the affirmative, ayes 8, noes 4.

The ayes and noes being called for,

Those who voted in the affirmative, are Messrs. Brigham, Collins, Irwin, Rountree, Sterling, Strong, Wilson and Bullen, president.

Those who voted in the negative, are Messrs. Maxwell, Prentiss, Vineyard and Wells.

The bill was thereupon ordered to be engrossed for a third reading.

Mr. Wells, from the committee on Enrolment, reported the following to be correctly enroled, viz:

A memorial to the Congress of the United States praying for a donation of land for the improvement of the navigation of the Pecatonica river; and

A preamble and resolutions to terminate the present session, and to fix the time for commencing the annual session of the Legislative Assembly for 1839.

Mr. Collins gave notice that he would on to-morrow, or at some future day, ask leave to introduce bills as follows :

A bill to revive and amend an act to locate a territorial road on the east side of the Mississippi river ; and

A bill to revive and amend an act to locate a territorial road in the county of Iowa.

On motion of Mr. Irwin,

The Council adjourned.

Tuesday, December 18, 1838.

Mr. Wells presented the account of J. D. Doty, Treasurer of commissioners of the public buildings.

Referred to committee on public expenditure.

On motion of Mr. Strong,

Resolved, That the Council will not receive or act upon original business after this day.

Mr. Irwin, from committee on engrossed bills, reported the following to be correctly engrossed, viz :

No. 20, A bill to provide for the election of a territorial printer ; and

No. 6, A memorial praying Congress to grant to the Brothertown and Stockbridge Indians the title to their lands in fee, and the privileges of citizenship.

Mr. Wells, from the committee on enrolment, reported the following to have been presented to the Governor for his examination and approval, viz :

An act to provide for laying out and establishing a territorial road from the northern boundary line of the state of Illinois to Madison, Wisconsin Territory ; and

A memorial to the Congress of the United States praying the extinguishment of the title of the Menomonee Indians to lands within the territory of Wisconsin.

The President announced a communication from the Governor, notifying the Council that he had examined and approved the following :

An act to provide for laying out and establishing a territorial road from the northern boundary line of the State of Illinois to Madison, Wisconsin territory ; and,

A memorial to the Congress of the United States, praying the extinguishment of the title of the Menomonee Indians to lands within the territory of Wisconsin.

Engrossed bills, as follows, were read the third time, passed, and the title agreed to, viz :

No. 17. A bill to amend the several acts relative to the admission of attorneys and counsellors at law ; and

No. 18. A bill to change the corporate name of the Wisconsin University of Green Bay, and for other purposes.

Engrossed bill No. 20, "A bill to provide for the election of a territorial printer," was read the third time, and on the question, "shall the bill pass?" it was decided in the affirmative, ayes 6, noes 5.

The ayes and noes being called for,

Those who voted in the affirmative are, Messrs. Brigham, Collins, Irwin, Rountree, Strong and Bullen, president.

Those who voted in the negative are, Messrs. Maxwell, Prentiss, Sterling, Wells and Wilson.

The title was then read and agreed to.

Memorial No. 6, "A memorial praying Congress to grant to the Brothertown and Stockbridge Indians the title to their lands in fee, and the privilege of citizenship," was read the third time, and on the question, "shall the memorial pass?" it was decided in the affirmative—ayes 9—noes 4.

The ayes and noes being called for,

Those who voted in the affirmative are, Messrs. Brigham, Irwin, Martin, Maxwell, Prentiss, Strong, Wells, Wilson and Bullen, pres't.

Those who voted in the negative are, Messrs. Collins, Rountree, Sterling and Vineyard.

Ordered, that the concurrence of the House of Representatives be requested in the several bills and the memorial just passed.

Mr. Wells moved that the Council do now resolve itself into a committee of the whole on bill No. 21, entitled "a bill to provide for aiding in the construction of the Rock river and Milwaukee canal."

Which was disagreed to, ayes 5, noes 8.

The ayes and noes being called for,

Those who voted in the affirmative are, Messrs. Irwin, Martin, Prentiss, Wells and Wilson.

Those voted in the negative are, Messrs. Brigham, Collins, Maxwell, Rountree, Sterling, Strong, Vineyard and Bullen, president.

On motion of Mr. Wells, it was then ordered that the bill be laid on the table.

On motion of Mr. Brigham,

Resolved. That the committee on public expenditures be instructed to report a bill of appropriations to defray the expense of the present session, together with such other expenditures as have accrued during the present year, and are not otherwise provided for ; and also, such

appropriations as are deemed necessary to provide for the annual session for 1839.

Mr. Maxwell, from the select committee to which was referred bill No. 10, (H. of R.) "a bill to lay out and establish certain territorial roads," with instructions relative thereto, made report that the committee had had the subject under consideration and asked leave to return the bill to the Council without amendment, and to be discharged from the further consideration thereof.

The report was received and the committee discharged.

The bill was thereupon ordered to a third reading.

On motion of Mr. Irwin,

Resolved, That the Secretary of the Territory be requested to furnish the Council with an abstract of the debts against the territory under the acts of appropriation of the last regular and special sessions.

On motion of Mr. Strong,

The Council adjourned.

Wednesday, December 19, 1838.

Mr. Prentiss presented the petition of inhabitants of Watertown, Jefferson county, praying for the passage of a law to provide for laying out and establishing a territorial road.

Laid on the table.

Mr. Prentiss presented resolution No. 10, entitled "A resolution requesting the Secretary of the Territory to forward copies of memorials to Congress;" which was read twice, and

On motion of Mr. Prentiss, it was ordered that the standing rule requiring all bills, &c. to be printed before being considered in committee of the whole, be suspended in reference to said resolution.

Mr. Sterling presented resolution No. 11, entitled "Resolution calling on the Secretary of the Treasury of the United States for certain statements therein mentioned, and for other purposes;" which was read twice, and

On motion of Mr. Irwin, it was ordered that the standing rule requiring all bills, &c. to be printed before being considered in committee of the whole, be suspended in reference to said resolution.

Mr. Wells, from the committee on enrolment, reported "An act to provide for laying out a territorial road from Madison to the state line of Illinois," to be correctly enrolled.

The President announced the appointment of the following committees on the part of the Council, under the joint resolution requiring committees to be appointed to investigate the state and condition of the Banks in this Territory, viz:

Mr. Wells, to investigate the affairs of the Bank of Wisconsin.

Mr. Vineyard, to investigate the affairs of the Banks of Mineral Point and Milwaukee.

The President also announced a communication from the Governor, on executive business.

On motion of Mr. Irwin, it was ordered that to-morrow be assigned for the conclusion of executive business.

The following message was received from the House of Representatives by the Clerk thereof, viz:

"Mr. President,—The Speaker of the House of Representatives has signed the following acts, resolution, and memorial, and I am directed to present them to the President of the Council, for his signature, viz:

"An act to repeal so much of an act entitled an act to divide the county of Iowa, as establishes the seat of justice of the county of Green at New Mexico, and to provide for the location of the seat of justice of the county of Green:—

"An act to prevent stallions in certain cases from running at large.

"An act to provide for the destruction of Wolves.

"A preamble and resolutions concerning surveys to be made of a portion of the public lands north of the Wisconsin and Fox, and east of the Mississippi rivers.

"A preamble and resolution to terminate the present session, and to fix the time for commencing the annual session of the Legislative Assembly, for 1839.

"A memorial to the Congress of the United States, praying for a donation of land for the improvement of the navigation of the Pecos river.

"The following committees have been appointed on the part of the House of Representatives under the joint resolution of the two Houses, requiring committees to be appointed to investigate the Banks in this Territory, viz:

"Messrs. Barber and Carver to investigate the Banks of Mineral Point and Milwaukee, and Messrs. Billings and Conroe, to investigate the Bank of Wisconsin."

And then he withdrew.

The President signed the acts, resolution, and memorial referred to in the foregoing message.

Bill No. 11. A bill relating to the judicial districts was taken up, and the question being on the motion of Mr. Prentiss to amend the fourth section thereof, it was unanimously agreed to.

The bill was then passed, and the title thereof read and agreed to.

Ordered, that the concurrence of the House of Representatives be requested therein.

Bill No. 10, (H. of R.) entitled "A bill to lay out and establish certain territorial roads," was read the third time, passed, and the title agreed to.

Ordered; that the House of Representatives be informed accordingly.

On motion of Mr. Wells, the Council resolved itself into a committee of the whole, Mr. Vineyard in the chair, for the consideration of the several bills, resolutions, and the memorial now on the table; and after some time the committee rose, and by their chairman reported No. 19, "A bill to locate several territorial roads therein named," with an amendment thereto.

No. 7, "A memorial to the Congress of the United States asking a confirmation of the title to lots one, two, and three, in section 32, township 7, range 22, in the county of Milwaukee," with amendments; and

No. 10, "A resolution requesting the Secretary of the Territory to forward copies of memorials to Congress; and

No. 11, "Resolutions calling on the Secretary of the Treasury of the United States for certain statements therein mentioned, and for other purposes," without amendment.

The committee also had under consideration bill No. 21, "A bill to provide for aiding in the construction of the Milwaukee and Rock river canal," and reported they had made progress therein, but had come to no conclusion thereon, and asked leave to sit again.

The report of the committee was received, the amendments to bill No. 19, and memorial No. 7, were concurred in; and the bill, memorial, and resolutions, ordered to be engrossed for a third reading,

Leave was also granted to the committee to sit again on bill No. 21.

On motion of Mr. Wells.

The Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Irwin from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 19, "A bill to locate several territorial roads therein named.

Resolution No. 10, A resolution requesting the Secretary of the Territory to forward copies of memorials to Congress.

Resolution No. 11, Resolution calling on the Secretary of the United States Treasury for certain statements therein mentioned, and for other purposes; and

Memorial No. 7, A memorial to the Congress of the United States, asking a confirmation of the titles to lots one, two, and three, in section thirty-two, town seven, range twenty-two, in the county of Milwaukee.

Mr. Wells from the committee on enrolment, reported the following to have been presented to the Governor for his examination and approval, viz :-

An act to provide for the destruction of Wolves.

An act to prevent Stallions in certain cases from running at large.

An act to repeal so much of an act entitled an act to divide the county of Iowa, as establishes the seat of justice of the county of Green at New Mexico, and to provide for the location of the seat of justice of the county of Green.

A preamble and resolutions concerning surveys to be made of a portion of the public lands north of the Wisconsin and Fox, and east of the Mississippi rivers.

A preamble and resolution to terminate the present session and to fix the time for commencing the annual session of the Legislative Assembly for 1839; and

A memorial to the Congress of the United States praying for a donation of land for the navigation of the Pecatoneca river.

On motion of Mr. Irwin,

Ordered, that the 16th standing rule be suspended, in order that the engrossed bills just reported, may be read a third time now.

The following bill, resolution, and memorial, were severally read a third time, passed, and the title agreed to, viz :

No. 19, "A bill to locate several territorial roads therein named.

No. 10, A resolution requesting the Secretary of the Territory to forward copies of memorials to Congress; and

No. 7, A memorial to the Congress of the United States, asking a confirmation of the titles to lots one, two, and three, in section thirty-two, town seven, range twenty-two, in the county of Milwaukee.

No. 11, "Resolutions calling on the Secretary of the United States Treasury for certain statements therein mentioned, and for other purposes," having been read the third time, Mr. Irwin obtained the unanimous consent of the Council to amend the last line of the first paragraph, by inserting "un" before the word "accounted," so that the sentence will read, "yet unexpended or unaccounted for."

The resolution was then passed, and the title was read, and agreed to.

Ordered, that the concurrence of the House of Representatives be requested in the bill, resolutions, and memorial, just passed.

On motion of Mr. Wells, the Council resolved itself into a committee of the whole, Mr. Rountree in the chair, on the unfinished business of the morning, being bill No. 21, entitled "A bill to provide for aiding in the construction of the Milwaukee and Rock river canal."

After some time the committee rose, and reported the bill to the Council with amendments.

The report of the committee was received; and

On motion of Mr. Collins, the bill was ordered to be laid on the table.

On motion of Mr. Irwin, the Council resolved itself into a committee

of the whole, Mr. Sterling in the chair, for the consideration of memorial No. 5, "A memorial to the Congress of the United States setting forth the claims of this territory to the jurisdiction of all the country north of a line drawn due west from the southern extreme of lake Michigan, and praying the passage of a law authorising the inhabitants to form a constitution and state government."

The committee rose and reported the memorial back to the Council, without amendment.

The report of the committee was received; and

The memorial was ordered to be engrossed for a third reading.

On motion of Mr. Irwin,

The Council adjourned.

Thursday, December 20, 1838.

The President announced a communication from the Governor, notifying the Council that he did, on yesterday, examine and approve the following, viz :

A preamble and resolution to terminate the present session and to fix the time for commencing the annual session of the Legislative Assembly for 1839 ; and,

A memorial to the Congress of the United States, praying for a donation of land for the improvement of the navigation of the Pecatoneca river.

The President also announced a communication from the Governor on Executive business.

On motion of Mr. Irwin, the Council proceeded to the consideration of Executive business.

The Executive business having been disposed of,

On motion of Mr. Sterling, the Council resolved itself into a committee of the whole, Mr. Strong in the chair, for the consideration of memorial No. 4, entitled, "Memorial to the Congress of the United States for the relief of the owners or proprietors of mineral lots in the Wisconsin land district."

The Clerk of the House of Representatives having been announced, the President took the chair, and the following message was delivered, viz :

"Mr. President, the House of Representatives have concurred in the amendments made to memorial No. 2, (H. of R.) "A memorial to Congress praying for appropriations for harbors on the western

shore of Lake Michigan," and to bill No. 10, [H. of R.] "A bill to lay out and establish certain territorial roads."

"They have also concurred in bill No. 10, of this House, "A bill authorizing a loan for the benefit of settlers upon the public lands in the Milwaukee land district," with amendments thereto; and have amended the amendment of this House, made to the amendment of the House of Representatives to bill No. 15, of this House, "A bill to provide for the construction of a bridge across the Milwaukee river in the town of Milwaukee;" in which amendments I have been directed to ask the concurrence of this House.

"The House of Representatives have passed a bill and memorial, as follows :

"No. 13, A bill to provide for laying out and establishing a territorial road from Beloit, via. Janesville and Aztalan, to Watertown ;

"No. 1, A memorial of the Legislative Assembly to Congress, praying that the term of members of the Council may be changed from four to two years, and that of the members of the House of Representatives from two to one year.

"In which bill and memorial the concurrence of this House is requested.

"I am directed to present the following act for the signature of the President, viz :

"An act to provide for laying out a territorial road from Madison to the state line of Illinois."

And then he withdrew.

The President signed the act referred to in the foregoing message.

The committee then resumed its session, and after sometime rose, and by their chairman reported the memorial with sundry amendments thereto.

The report of the committee was received, and the amendments concurred in.

And the question being, "Shall the bill be engrossed and read a third time?"

On motion of Mr. Collins, it was ordered that the sixteenth rule be suspended in order that the memorial may be read a third time now.

The memorial was then read the third time, passed, and the title agreed to.

Ordered, that the concurrence of the House of Representatives be requested therein.

The amendments of the House of Representatives to bill No. 11, "A bill relating to the Judicial Districts," were read; also, the amendment of the House of Representatives to the amendment of Council to the amendment of the House to bill No. 15, "A bill to provide for the construction of a bridge across the Milwaukee river, in the town of Milwaukee;" and the same were severally concurred in.

Ordered, That the House of Representatives be informed accordingly.

The amendments of the House of Representatives to bill No. 10, "A bill authorising a loan for the benefit of settlers upon the public lands in the Milwaukee land district," having been read,

On motion of Mr. Strong,

The Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The unfinished business of the morning, being the amendments of the House of Representatives to bill No. 10, entitled "A bill to provide for the benefit of settlers upon the public lands in the Milwaukee land district," was taken up, and the question being on the first amendment thereof,

Mr. Rountree made a call of the Council, and the absent members were sent for.

The Sergeant-at-Arms, after a short time reported the attendance of the absent members; and the question being again put, "Will the Council concur in the amendment?"

Mr. Collins moved to refer the bill with the amendments to the committee on territorial affairs.

And pending the question on the motion to refer,

The following message was received from the House of Representatives by the clerk thereof, viz :

"Mr. President,—The House of Representatives have passed memorials and a resolution of the following titles, viz :

"No. 4, A memorial to Congress for the improvement of the Mississippi, Wisconsin, and Platte rivers ;

"No. 5. A memorial in relation to the sixteenth sections ;

"No. 6, A resolution relating to the transportation of the mail from Madison to Milwaukee.

"I am directed to present the following act and memorial for your signature, viz :

"An act to lay out and establish certain territorial roads ; and

"A memorial to Congress praying for appropriations for harbors on the western shore of lake Michigan.

"The Governor has notified the House of Representatives that he has examined and approved the following acts and resolutions, viz :

"An act to prevent stallions in certain cases from running at large.

"An act to provide for the destruction of wolves ;

"An act to repeal so much of an act to divide the county of Iowa as establish the seat of justice of the county of Green at New Mexico,

and to provide for the location of the seat of justice of the county of Green ; and

“ A preamble and resolutions concerning surveys to be made of a portion of the public lands north of the Wisconsin and Fox and east of the Mississippi river.

“ The House of Representatives have received a communication from James G. Edwards, in relation to the printing of the laws, &c., and it has been referred to the same joint committee to which a previous communication on the same subject was referred. The said communication is herewith presented to the Council with the request that they concur in said reference.”

And then he withdrew.

The President signed the act and memorial referred to in the foregoing message.

The question being again put on the motion to commit to the committee on Territorial Affairs,

Mr. Strong called for the previous question.

The question on the commitment was first put and decided in the affirmative.

So the amendments, with the bill, were referred to the committee on territorial affairs.

Mr. Rountree from the committee on public expenditure, to which was referred the accounts of the Treasurer of the Public Buildings at Madison, made the following report :

“ The committee on expenditures to which were submitted the accounts of the Treasurer of the Commissioners of Public Buildings, report as follow :

“ The law appointing these Commissioners requires the Treasurer to render an annual account of the monies received and paid out by him. The first annual account should have been presented and passed upon at the last session of the Legislature. That it was so presented we believe, although no evidence of the fact exists, except a report of a select committee of the last House of Representatives, which reference is made to it.—No direct action appears to have been had on the subject, and we presume therefore that all the evidences of his expenditures since the commencement of his duties are in possession of the Treasurer, and that the accounts now under consideration embrace all his doings up to the present time. Assuming this to be fact, and without being furnished with the ordinary vouchers, the committee have called on the Acting Commissioner in whose name most, if not all, of the monies were drawn from the Treasurer. His examination affords presumptive proof of the correctness of the account, though it is not such evidence as the committee desired to have before them, to pass fully upon it. The committee therefore ask leave to suspend their examination until the proper vouchers may be produced, or their absence accounted for in some satisfactory manner.

"There is another branch of the inquiry into the subject, which the committee feel themselves unauthorized to pursue to the extent which circumstances seem to demand.

"The law fixing the seat of Government, required the Commissioners to agree upon a plan, and to give out contracts for the erection of the Public Buildings, &c. In this account of the Treasurer it appears that \$21,617 08, was paid out by him, mostly to the acting Commissioner, before a single contract was given out; and it seems, even now, though the building is not near its completion, that all the money has been paid out by the Treasurer except \$6,382 34.

"Under these circumstances, and with the fact before us, that all this apparent misapplication of funds must be known, if true, to the Treasurer himself, we respectfully submit the recommendation:—that a select committee of three members be appointed to act in conjunction with a similar committee of the House of Representatives, to inquire into the manner in which the \$40,000, appropriated by Congress, have been expended; and to ascertain and report the propriety of accepting the building which has been erected by the Commissioners, and to report such other facts as may be elicited in the examination of the matter, and the said committee have power to send for persons and papers, to take affidavits, swear witnesses, &c.

On motion of Mr. Irwin, it was ordered to be laid on the table.

Mr. Rountree, from the committee on Public Expenditures, in accordance with a resolution of the Council, report No. 22, "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes;" which was read twice, and

On motion of Mr. Strong,

Ordered, that the standing rule, requiring bills, &c. to be printed before being considered in committee of the whole, be suspended in reference to said bill.

The Council thereupon resolved itself into a committee of the whole, Mr. Irwin in the chair, for the consideration thereof; and, after some time spent therein, the committee rose and by their chairman, reported the bill with sundry amendments.

The report was received, the amendments concurred in, and

On motion of Mr. Martin,

Ordered, that the sixteenth rule be suspended in order that the bill may be read a third time now.

The bill was thereupon read a third time, passed, and the title agreed to.

Ordered, that the concurrence of the House of Representatives be requested therein.

Mr. Irwin, from the committee on engrossed bills, reported memorial No. 5, entitled "A memorial to the Congress of the United States setting forth the claims of this Territory to the jurisdiction of the country north of a line drawn due west from the southern extreme of Lake

Michigan, and praying the passage of a law authorizing the inhabitants to form a constitution and state government," to be correctly engrossed.

The memorial was then read the third time, and pending the question on the passage thereof,

Mr. Prentiss moved to postpone the further consideration of the memorial until the next session ;

Which was disagreed to.

Mr. Martin then moved to recommit the memorial to the committee which reported the same ;

Which was agreed to.

Mr. Wells, from the committee on enrollment, reported the following acts and a memorial to have been presented to the Governor for his examination and approval, viz :

An act for laying out a territorial road from Madison to the state line of Illinois.

An act to lay out and establish certain territorial roads ; and

A memorial to Congress praying for appropriations for harbors on the western shore of lake Michigan.

On motion of Mr. Irwin,

The Council adjourned.

Friday, December 21, 1838.

The following message was received from the House of Representatives, by the clerk thereof, viz :

" Mr. President—I am directed to inform the Council that the House of Representatives have negatived bill No. 3, of this House, entitled 'A bill relating to interest;' and have concurred in memorial No. 4, entitled 'A memorial to the Congress of the United States for the relief of the owners or proprietors of the mineral lots in the Wisconsin land district.'

" The House have passed memorial No. 3, entitled 'A memorial to Congress, praying the passage of a law granting pre-emption to the settlers on the line of the Milwaukee and Rock river canal ;' in which the concurrence of this House is requested.

" The Governor has notified the House that on yesterday he examined and approved—

" 'An act to lay out and establish certain territorial roads ;' and

“‘A memorial to Congress praying for appropriations for harbors on the western shore of lake Michigan.’”

And then he withdrew.

Mr. Brigham offered the following :

Resolved, By the Council and House of Representatives of the territory of Wisconsin, That hereafter the following officers and no others, shall be allowed to each House ; one Secretary, three Transcribing Clerks, one Sergeant-at-Arms, one Messenger, and one Doorkeeper; all of whom shall be subject to the orders of the presiding officer ; and no one, except the Secretary, shall be entitled to receive more than three dollars per day, for his services.

Which was read twice, and on motion of Mr. Brigham, it was ordered that the rule requiring all bills, &c. to be printed, be suspended with reference to the resolution just read, and that the same be now considered in committee of the whole.

The Council thereupon resolved itself into committee of the whole, Mr. Wilson in the chair, for the consideration of the said resolution, and after sometime spent therein, the committee rose and reported the same without amendment.

The report of the committee was received, and,

On motion of Mr. Wells, it was ordered to lie on the table.

Mr. Wells, from the committee on enrollment, reported memorial No. 4, “A memorial to the Congress of the United States, for the relief of the owners or proprietors of mineral lots in the Wisconsin land district, to be correctly enrolled.

Mr. Irwin, from the committee on engrossed bills, reported that they had compared the amendments made to bill No. 22, entitled, “A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes,” with the engrossed bill, and the same to be correct.

Mr. Prentiss, from the joint committee to which the subject had been referred, made report together with a resolution (No. 13,) viz :

The joint committee to whom was referred two communications from James G. Edwards, in relation to the printing of the laws, having had the subject under consideration, respectfully recommend the adoption of the following preamble and resolution:

Whereas, James G. Edwards, on the 30th day of June last, entered into a contract with the Legislative Assembly of this territory, for the printing and binding of the laws passed at the sessions of 1836, 1837, and 1838, together with certain other laws selected from those then in force, by a resolution of the legislative assembly, and whereas the said James G. Edwards has failed to comply in full with the condition of said contracts ; Therefore

Resolved, By the Council and House of Representatives, That the said James G. Edwards be directed not to proceed any further with the printing or binding of said laws, and that whenever within two

months, he shall deliver to the agent of this territory, the sheets already printed, he shall be paid such compensation therefor, as the Legislature may deem just and reasonable.

The preamble and resolution was read twice, and

On motion of Mr. Strong,

Ordered, that the standing rule in relation to printing of bills and resolutions, before being considered in committee of the whole, be suspended for the remainder of the session.

The preamble and resolution was thereupon ordered to be committed to the committee of the whole.

Memorials from the House of Representatives as follow, were read the first and second times and ordered to be committed to the committee of the whole, viz :

No. 4. A memorial to Congress for the improvement of the Mississippi, Wisconsin, and Platte rivers, and

No. 5. A memorial in relation to the sixteenth sections.

The following message was received from the House of Representatives, by the Clerk thereof, viz:

"Mr. President—The House of Representatives have passed the following bills and resolution, in which I am directed to ask the concurrence of this House, viz:

"No. 7—Resolution to authorize E. Childs, chairman of the committee of arrangements, to procure carpeting, stationery, &c. for the next session of the legislative assembly.

"No. 11—A bill to provide for laying out and establishing a territorial road from the south line of the territory, in the town of Beloit, in the county of Rock, to Madison, in the county of Dane.

"No. 12—A bill to incorporate the Dodgeville Mining Company.

"No. 14—A bill to amend an act entitled an act in relation to the evidences of the title to lands in the territory of Wisconsin.

"No. 15—A bill to provide for laying out a territorial road from Madison to Beloit.

"No. 17—A bill authorising the commissioners of Milwaukee county to procure certain records of titles therein mentioned.

"No. 18—A bill for a road from Racine to Madison.

"The House of Representatives have concurred in bill No. 13, (C. File,) 'A bill to amend an act to establish and regulate ferries in the county of Milwaukee and the counties thereto attached for judicial purposes,' with amendments, in which the concurrence of the Council is requested."

And then he withdrew.

The President announced a communication from the Secretary of the territory, as follows :

—SECRETARY'S OFFICE, December 20, 1838.

To the Hon. the Legislative Council,

Gentlemen,—Your resolution of December 18, 1838, requesting an

abstract of the debts against the territory, under the acts of appropriation of the last regular and special sessions, was this day received, and shall be complied with at the earliest practicable period.

I have the honor to be, very respectfully,

W. B. SLAUGHTER,

Secretary of Wisconsin Territory.

The communication having been read,

Mr. Martin moved that it be not received.

The motion was decided in the negative: ayes 6, noes 7.

The ayes and noes having been called for,

Those who voted in the affirmative are, Messrs. Irwin, Martin, Maxwell, Prentiss, Sterling, and Bullen, president.

Those who voted in the negative are, Messrs. Brigham, Collins, Rountree, Strong, Vineyard, Wells, and Wilson,

Mr. Prentiss then moved to lay the communication on the table,

Which was agreed to.

The President announced a communication from the Governor, notifying the Council that he did on yesterday examine and approve "An act to provide for laying out a territorial road from Madison to the state line of Illinois."

The President announced a second communication from the Governor on Executive business.

On motion of Mr. Strong, the Council proceeded to the consideration of Executive business.

The Executive business having been disposed of,

The following bills, resolutions, and memorial from the House of Representatives, were read the first and second times, and ordered to be committed to the committee of the whole, viz:

No. 11, A bill to provide for laying out and establishing a territorial road from the south line of the territory in the town of Beloit, in the county of Rock, to Madison, in the county of Dane.

No. 12, A bill to incorporate the Dodgeville Mining Company.

No. 13, A bill to provide for laying out and establishing a territorial road from Beloit, via. Janesville and Aztalan, to Watertown.

No. 14. A bill to amend an act, entitled, An act in relation to the evidences of title to lands in the territory of Wisconsin.

No. 15, A bill to provide for laying out a territorial road from Milwaukee to Beloit.

No. 17, A bill authorizing the commissioners of Milwaukee county, to procure certain records of titles therein mentioned.

No. 18, A bill to provide for laying out and establishing a territorial road from Racine, in Racine county, to Madison, in the county of Dane, in Wisconsin territory.

No. 6, A resolution relating to the transportation of the mail from Madison to Milwaukee.

No. 7, Resolution to authorize E. Childs, chairman of the commit-

tee of arrangements, to procure carpeting, stationery, &c. for the next session of the legislative assembly.

No. 1. A memorial of the Legislative Assembly of the Territory of Wisconsin, praying that the term of members of the Council may be changed from four to two years, and that of members of the House of Representatives from two to one year; and

No. 3. A memorial to Congress, praying the passage of a law granting pre-emption to the settlers on the line of the Milwaukee and Rock River canal.

The amendments of the House of Representatives to No. 13, "A bill to amend an act to establish and regulate ferries in the county of Milwaukee, and the counties thereto attached for judicial purposes," were severally read and concurred in.

The amendments of the House of Representatives to resolution No. 6, "A resolution to authorize the location of a portion of the University lands," were severally read and disagreed to.

Ordered, that the House of Representatives be informed accordingly.

On motion of Mr. Rountree, the Council resolved itself into a committee of the whole, Mr. Wells in the chair, for the consideration of all the bills, resolutions and memorials on the President's table; and, after some time the committee rose and the President having resumed the chair.

On motion of Mr. Strong, the Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Wells, from the committee of the whole, to which had been referred all the bills, resolutions and memorials on the President's table, reported that the committee had made progress in the business before them, but had come to no conclusion thereon, and had directed him to ask leave to sit again.

Leave was granted accordingly.

The Council again resolved itself into the committee of the whole, Mr. Wells in the chair, for the consideration of the several bills, resolutions, and memorials on the President's table; and after some time the committee rose and by their chairman, reported the following bills without amendment:

No. 11. (H. of R.) A bill to provide for laying out and establishing a territorial road from the south line of the Territory, in the town of Beloit, in the county of Rock, to Madison, in the county of Dane;

No. 12. (H. of R.) A bill to incorporate the Dodgeville Mining company ;

No. 14. (H. of R.) A bill to amend an act entitled an act in relation to the evidences of the title to lands in the Territory of Wisconsin ;

No. 15. (H. of R.) A bill to provide for laying out a territorial road from Milwaukee to Beloit ;

No. 17. (H. of R.) A bill authorizing the commissioners of Milwaukee county, to procure certain records of titles therein mentioned ;

No. 18. (H. of R.) A bill to provide for laying out and establishing a territorial road from Racine, in Racine county, to Madison in the county of Dane, in Wisconsin Territory ;

No. 1. (H. of R.) A memorial of the Legislative Assembly of the Territory of Wisconsin to Congress, praying that the term of members of the Council may be changed from four to two years, and that of the members of the House of Representatives from two to one year ;

No. 3. (H. of R.) A memorial to Congress praying the passage of a law granting pre-emption to the settlers on the line of the Milwaukee and Rock River canal ;

No. 4. (H. of R.) A memorial to Congress for the improvement of the Mississippi, Wisconsin and Platte Rivers ;

No. 5. (H. of R.) A memorial in relation to the sixteenth sections ;

No. 8. (C. F.) A memorial to the Congress of the United States praying a donation of land for the improvement of the Fox and Rock Rivers ;

No. 6. (H. of R.) A resolution relating to the transportation of the mail from Madison to Milwaukee ; and

No. 13. (C. F.) Resolution in relation to the contract of printing entered into with James G. Edwards at the last session of the Legislative Assembly ;

The committee also reported the following with amendments, to wit :

No. 13. (H. of R.) A bill to provide for laying out and establishing a territorial road from Beloit, via Janesville and Aztalan, to Wauertown, and

No. 7. (H. of R.) Resolution to authorize E. Childs, chairman of the committee of arrangements, to procure carpeting, stationery, &c. for the next session of the Legislative Assembly.

The report of the committee was received, and the amendments to bill No. 13, (H. of R.) were read and concurred in.

The amendment to resolution No. 7, (H. of R.) having been read, Mr. Strong moved that the same be disagreed to.

Which was decided in the affirmative.

Mr. Martin then moved to amend by striking out "carpeting, stationery, and,"

Which was agreed to.

On motion of Mr. Strong,

Ordered, that the resolution be laid on the table.

Mr. Rountree moved to amend bill No. 14, (H. of R.) by adding to the first section the words, "occupied and worked agreeable to the established custom for the government of the lead mines at the time of entry."

Which was disagreed to.

On motion of Mr. Rountree, memorial No. 5, (H. of R.) was ordered to be laid on the table.

The remaining bills, resolutions and memorials, were then ordered to a third reading, and

On motion of Mr. Martin, the 16th rule was suspended in reference to bills Nos. 11, 12, 14, 15, 17, and 18; memorials Nos. 3, 4, and 6; resolution No. 6, (H. of R.) and memorial No. 8, and resolution No. 13, (C. F.) and they were severally read the third time, passed, and the titles agreed to.

Bill No. 13, (H. of R.) was then read the third time and passed, and the question being on the title thereof,

Mr. Prentiss moved to amend the same so as to read "A bill to provide for laying out and establishing certain territorial roads therein named."

Which was agreed to.

Ordered, that the House of Representatives be informed thereof, and their concurrence requested in memorial No. 8, resolution No. 13, and the amendments made to bill No. 13, (H. of R.)

Bill No. 12, (H. of R.) was then read the third time, and the question being, "shall the bill pass?" it was decided in the affirmative, ayes 6, noes 5.

The ayes and noes being called for,

Those who voted in the affirmative are, Messrs. Brigham, Collins, Irwin, Prentiss, Sterling and Wells.

Those who voted in the negative are, Messrs. Martin, Maxwell, Rountree, Strong and Bullen, president.

The title was then read and agreed to, and it was ordered that the House of Representatives be informed thereof.

Memorial No. 1, (H. of R.) having been read the third time, Mr. Brigham moved to refer the same to the committee appointed to revise the laws of the Territory, which was decided in the affirmative, ayes 7, noes 5.

The ayes and noes having been called for,

Those who voted in the affirmative are, Messrs. Brigham, Collins, Irwin, Maxwell, Rountree, Strong, and Bullen, president.

Those who voted in the negative are, Messrs. Martin, Prentiss, Sterling, Vineyard and Wells.

The following message was received from the House of Representatives by the clerk thereof, to wit:

"Mr. President—The House have concurred in bills, resolutions and memorials of this House without amendment, as follow:

"No. 7. 'A memorial to the Congress of the United States, asking a confirmation of the titles to lots one, two and three, in section thirty-two, town seven, range twenty-two, in the county of Milwaukee.'"

"No. 10. 'A resolution requesting the Secretary of the Territory to forward copies of memorials to Congress.'"

"No. 11. 'Resolutions calling on the Secretary of the United States Treasury for certain statements therein mentioned, and for other purposes,'"

"No. 18. 'A bill to change the corporate name of the Wisconsin University of Green Bay, and for other purposes.'"

"And in bill No. 19, entitled, 'A bill to locate several territorial roads therein named,' with amendments thereto; in which I am directed to ask the concurrence of this House.

"Memorial No. 6, (C. F.) entitled 'A memorial praying Congress to grant to the Brothertown and Stockbridge Indians, the title to their lands in fee, and the privileges of citizenship,' has been negatived on the question of its final passage;

"No. 17. (C. F.) entitled 'A bill to amend the several acts relative to the admission of attorneys and counsellors at law,' has been referred to the joint committee appointed to revise the laws;

"And bill No. 20, entitled 'A bill to provide for a Territorial Printer,' has been laid on the table.

"The House has passed resolutions as follow:

"No. 10. A resolution to suspend the 14th and 15th joint rules; and

"No. 9. A preamble and resolution relative to the communications of J. G. Edwards, the contractor to print the laws.

"The Speaker of the House of Representatives has signed 'A memorial to the Congress of the United States for the relief of the owners or proprietors of mineral lots in the Wisconsin Land District,' and it is herewith presented for your signature."

And then he withdrew.

The President signed the memorial referred to in the foregoing message.

Mr. Wells, from the committee on enrollment, reported the following to be correctly enroled, to wit:

An act relating to the Judicial districts;

An act to amend an act to establish and regulate ferries in the county of Milwaukee, and the counties thereto attached for judicial purposes; and

An act to provide for the construction of a bridge across the Milwaukee river, in the town of Milwaukee.

Mr. Strong offered the following:

Resolved, That Josiah A. Noonon be employed to print the journals of the present session of the Council before the 21st of January next.

And pending the question thereon, Mr. Martin offered the following as a substitute therefor :

No. 14. Resolutions to provide for publishing the laws and journals of the present session of the Legislative Assembly.

The substitute was accepted, and the resolutions were read a first and second time, and ordered to be engrossed for a third reading.

On motion of Mr. Martin, the 16th rule was suspended in reference to said resolutions, and they were read a third time, passed and the title agreed to.

Ordered, that the concurrence of the House of Representatives be requested therein.

The following message was received from the House of Representatives by the clerk thereof, to wit :

"Mr. President—The House of Representatives have concurred in bill No. 22, of this House, with amendments thereto, in which they request the concurrence of this Council."

And then he withdrew.

Resolutions from the House of Representatives, as follows, were read the first and second time, to wit :

No. 9. Preamble and resolution relative to the communication of J. G. Edwards, the contractor to print the laws ; and

No. 10. A resolution to suspend the 14th and 15th of the joint rules of the two Houses ; and,

On motion of Mr. Martin, the 16th rule was suspended in reference to said resolutions, and they were ordered to a third reading now.

Resolution No. 9, having been read the third time,

On motion of Mr. Strong, it was ordered to be laid on the table.

Resolution No. 10, was then read the third time, passed, and the title agreed to.

Ordered, that the House of Representatives be informed thereof.

The amendments of the House of Representatives to bill No. 19, entitled "A bill to locate several territorial roads therein named," were read and concurred in.

Ordered, that the House of Representatives be informed thereof.

On motion of Mr. Martin,

The Council adjourned until 7 o'clock, P. M.

7 O'CLOCK, P. M.

Mr. Wells, from the committee on enrollment, reported the following to be correctly enroled, to wit :

An act to change the corporate name of the Wisconsin University of Green Bay, and for other purposes.

The amendments of the House of Representatives to bill No. 22, "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes," were read, and the question being on the first amendment, viz: to strike out the compensation to James Clarke, Librarian.

Mr. Martin moved to amend the amendment by inserting "to James Clarke, Librarian, for rent of library room from April 1st to July 1st, 1838, thirty-seven dollars."

Which was agreed to.

The second, third, fifth, and sixth amendments were concurred in; and

The question being on concurring in the fourth amendment, Mr. Collins moved to strike out all after the word "Sterling," and insert "as extra compensation for his services as Librarian, from the 1st of July 1838, to the 1st of January, 1839, one hundred dollars."

Which was agreed to.

Ordered, That the House of Representatives be informed accordingly.

The following message was received from the House of Representatives by the clerk thereof:

"Mr. President—The Speaker has signed the following acts, and I am directed to present them to the President of the Council for his signature, to wit:

"An act relating to judicial districts.

"An act to provide for the construction of a bridge across the Milwaukee River in the town of Milwaukee.

"An act to amend an act to establish and regulate ferries in the county of Milwaukee and the counties thereto attached for Judicial purposes."

And then he withdrew.

The Speaker signed the acts referred to in the foregoing message:

Mr. Martin, from the joint committee appointed to revise the laws of this Territory, to which memorial No. 1, (H. of R.) entitled "A memorial of the Legislative Assembly of the Territory of Wisconsin to Congress, praying that the term of members of the Council, may be changed from four to two years, and that of the members of the House of Representatives from two to one year," had been referred, reported the same again to the Council without amendment.

And the question being on the final passage thereof, it was determined in the affirmative, ayes 10, noes 1.

The ayes and noes having been called for,

Those who voted in the affirmative are, Messrs. Collins, Irwin, Martin, Maxwell, Prentiss, Rountree, Sterling, Vineyard, Wells and Bullen, president.

Mr. Brigham voted in the negative.

The memorial was then read and agreed to, and it was ordered that the House of Representatives be informed thereof.

On motion of Mr. Collins,

The Council adjourned until 9 o'clock to-morrow morning.

Saturday, December 22, 1838.

The President announced a communication from the Governor, notifying the Council that he did on yesterday, examine and approve the following :

An act relating to the Judicial Districts.

An act to amend an act to establish and regulate ferries in the county of Milwaukee, and the counties thereto attached for judicial purposes.

An act to provide for the construction of a bridge across the Milwaukee river, in the town of Milwaukee ; and

A memorial to the Congress of the United States for the relief of the owners or proprietors of mineral lots in the Wisconsin Land District.

Mr. Prentiss presented two remonstrances as follows, which were referred to committee on Incorporations, viz :

Remonstrance of the inhabitants of Racine county against the passage of a law authorizing the inhabitants of Southport by way of a loan or tax to raise the sum of twenty thousand dollars yearly to be expended in erecting a harbor at said village.

Remonstrance of the inhabitants of Southport, Racine county, on the same subject.

Mr. Brigham, from the committee on territorial affairs, to which memorial No. 5, entitled "A memorial to the Congress of the United States, setting forth the claims of this Territory to the jurisdiction of all the country north of a line drawn due west from the southern extreme of Lake Michigan, and praying the passage of a law establishing the line as aforesaid," reported the same without amendment ; and, pending the question on the passage thereof,

Mr. Martin moved to postpone until the next session.

Which was disagreed to, ayes 5, noes 6.

The ayes and noes having been called for,

Those who voted in the affirmative are, Messrs. Irwin, Martin, Prentiss, Strong, and Bullen, president.

Those who voted in the negative are, Messrs, Brigham, Collins, Maxwell, Sterling, Vineyard and Wells.

Mr. Martin then moved to lay on the table.

Which was disagreed to, ayes 5, noes 6.

The ayes and noes having been called for,

Those who voted in the negative are, Messrs. Brigham, Collins, Maxwell, Sterling, Vineyard and Wells.

Those who voted in the affirmative are, Messrs. Irwin, Martin, Prentiss, Strong and Bullen, president.

Mr. Martin then moved to adjourn.

Which was likewise disagreed to, ayes 5, noes 6.

The ayes and noes having been called for,

Those who voted in the affirmative are, Messrs. Collins, Martin, Maxwell, Vineyard and Bullen, president.

Those who voted in the negative are, Messrs. Brigham, Irwin, Prentiss, Sterling, Strong and Wells.

Mr. Martin then moved to commit to the committee of the whole.

Which was agreed to.

The following message was received from the House of Representatives by the clerk thereof, to wit :

“Mr. President—I am directed to present for your signature the following, which have been signed by the Speaker of the House of Representatives, to wit :

“An act to incorporate the Dodgeville Mining Company.

“An act to provide for laying out and establishing certain territorial roads therein named.

“An act to provide for laying out and establishing a territorial road from the south line of the Territory in the town of Beloit, in the county of Rock, to Madison, in the county of Dane. —

“An act entitled an act to amend an act in relation to the evidences of the title to lands in the Territory of Wisconsin.

“An act authorizing the commissioners of Milwaukee county to procure certain records of titles therein mentioned.

“An act for a road from Racine to Madison.

“An act to change the corporate name of the Wisconsin University and for other purposes.

“An act to provide for laying out a territorial road from Milwaukee to Beloit.

“A resolution relating to the transportation of the mail from Madison to Milwaukee.

“A memorial to Congress praying the passage of a law granting pre-emption to the settlers on the line of the Milwaukee and Rock River Canal.

“A memorial to Congress for the improvement of the Mississippi, Wisconsin and Platte rivers.

“A memorial to the Congress of the United States asking a confirma-

tion of the titles to lots one, two, and three, in section 32, town 7, range 22, in the county of Milwaukee.

"The House has concurred in resolutions and memorial of this House as follows:

"No 13, 'Resolution in relation to the contract of printing entered into with James G. Edwards, at the last session of the legislative assembly.'

"No. 14, 'Resolutions to provide for publishing the laws and journals of the present session of the legislative assembly.'

"No. 8, 'Memorial to the Congress of the United States, praying a donation of land for the improvement of the Fox and Rock rivers.'

"The former without amendment and the two latter with amendments, in which the concurrence of the House is requested.

"The House has also concurred in the several amendments made to bill No. 13, (H. of R. File,) entitled 'A bill to provide for laying out and establishing a territorial road from Beloit via. Janesville and Aztalan, to Watertown.'

"And in the amendments to the amendments made to bill No. 22, (of this House,) entitled 'A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes.'

"And have insisted on all their amendments to resolution No. 9, entitled 'A resolution to authorize the location of a portion of the university lands,' to which the Council had disagreed; and have appointed Messrs, Whiton and Cruson a committee of conference in relation thereto.

"A conference is requested."

And then he withdrew.

The President signed the acts, memorials, and resolutions, referred to in the foregoing message.

The amendments of the House of Representatives to a resolution, No. 14, "Resolution to provide for publishing the laws and journals of the present session of the legislative assembly," having been read

Mr. Martin moved to disagree to the same;

Which was carried in the affirmative.

Ordered, that the House of Representatives be informed thereof.

Mr. Wells from the committee on enrollment reported the following to be correctly enrolled, viz:

An act to locate several territorial roads therein named; and,

An act to provide for the compensation of the officers of the legislative assembly, and for other purposes.

On motion of Mr. Wells,

Resolved, That George Beatty, Secretary of the Council, be authorized to prepare the journal of this session for the press, and that he be allowed such reasonable compensation therefor as may be deemed proper.

On motion of Mr. Martin,

Resolved, That N. F. Hyer be appointed to draft a sectional map of the territory on a scale of two inches to each township, and complete the same as early as possible, for the use of the Council.

The amendments of the House of Representatives to memorial No. 8, "A memorial to the Congress of the United States praying a donation of lands for the improvement of the Fox and Rock river," was read and concurred in.

The message from the House of Representatives requesting a committee of conference on the disagreeing vote of the two Houses on resolution No. 8, (C. F.) "A resolution to provide for the location of a portion of the University lands," was read and concurred in.

Messrs. Martin and Strong were appointed the committee on the part of the Council.

On motion of Mr. Irwin, resolution No. 7, (H. of R.) "A resolution to authorize E. Childs, chairman of the committee of arrangements to procure such articles as may be necessary for the next session of the legislative assembly," was taken up, and pending the question, "shall the resolution be read a third time?"

Mr. Collins moved indefinitely to postpone.

Which was disagreed to.

The resolution was then read the third time, passed, and the title agreed to.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Brigham, the Council resolved itself into a committee of the whole, Mr. Collins in the chair, for the consideration of memorial No. 5, "A memorial to the Congress of the United States setting forth the claims of this territory to the jurisdiction of all the country north of a line drawn due west from the southern extreme of lake Michigan, and praying the passage of a law authorizing the inhabitants to form a constitution and state government;" and after some time the committee rose, and by their chairman reported the memorial with an amendment.

The report was received, the amendment concurred in, and the memorial ordered to a third reading.

The memorial was then read the third time and passed, and the question being on the title thereof,

Mr. Martin moved to amend by striking out therefrom the words "authorizing the inhabitants to form a constitution and state government," and insert in place thereof, "establishing the line as aforesaid."

Which was agreed to, and the title as amended, adopted.

Ordered, that the concurrence of the House of Representatives be requested therein.

Mr. Martin, from the joint committee of conference appointed in relation to the disagreeing vote of the two Houses on resolution No. 6, "A resolution to provide for the location of a portion of the University lands," made the following report:

That the committee have agreed to recommend to the two Houses the following: to adopt the first amendment of the House of Representatives, except the words, "or any person who intends to become a settler," which are to be stricken therefrom, and to reject all other amendments made to said resolution.

The report was received and concurred in.

Ordered, That the House of Representatives be informed thereof.

Mr. Wells, from the committee on enrollment, reported the following to have been presented to the Governor for his approval:—

An act to provide for laying out a territorial road from Milwaukee to Beloit.

An act to change the corporate name of the Wisconsin University of Green Bay, and for other purposes.

An act to amend an act entitled an act in relation to the evidence of the titles to lands, in the territory of Wisconsin.

An act to provide for laying out and establishing a territorial road from the south line of the territory in the town of Beloit in the county of Rock, to Madison, in the county of Dane.

An act to incorporate the Dodgeville Mining company.

An act for a road from Racine to Madison.

An act authorizing the commissioners of Milwaukee county to procure certain records of titles therein mentioned.

An act to provide for laying out and establishing certain territorial roads therein named.

A memorial to the Congress of the United States asking a confirmation of the lots 1, 2, and 3, in sec. 32, town 7, range 22, in the county of Milwaukee.

A memorial to Congress praying the passage of a law granting pre-emption to the settlers on the line of the Milwaukee and Rock river canal.

A memorial to Congress for the improvement of the Mississippi, Wisconsin, and Platte rivers.

A resolution relating to the transportation of the mail from Madison to Milwaukee.

On motion of Mr. Vineyard, the Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The President announced a message from the Governor informing the Council that he had this day examined and approved the following:

An act to locate and establish several territorial roads therein named.

An act to change the corporate name of the Wisconsin University of Green Bay, and for other purposes.

An act to provide for the compensation of the officers of the Legislative Assembly and for other purposes ; and

A memorial to the Congress of the United States asking a confirmation of the titles to lots one, two and three, in section thirty-two, town seven, range twenty-two, in the county of Milwaukee.

The following message was received from the House of Representatives, by the clerk thereof, to wit :

"Mr. President—The Governor has notified the House of Representatives, that he has examined and approved the following acts, resolutions and memorials :

"An act to provide for laying out a territorial road from Madison to Beloit.

"An act to amend an act entitled an act in relation to the evidences of title to lands in the Territory of Wisconsin.

"An act to provide for laying out and establishing a territorial road from the south line of the Territory in the town of Beloit, in the county of Rock, to Madison in the county of Dane.

"An act to incorporate the Dodgeville mining company.

"An act for a road from Racine to Madison.

"An act authorizing the commissioners of Milwaukee county to procure certain records of titles therein mentioned.

"An act to provide for laying out and establishing certain territorial roads therein named.

"A resolution relating to the transportation of the mail from Madison to Milwaukee.

"A memorial to Congress praying the passage of a law granting pre-emption to settlers on the line of the Milwaukee and Rock River Canal ; and

"A memorial to Congress for the improvement of the Mississippi, Wisconsin, and Platte rivers.

"The House has insisted on all their amendments to resolutions No. 1, entitled "resolutions to provide for publishing the laws and journals of the present session of the Legislative Assembly," to which this House had disagreed, and Messrs. Sholes and Barber have been appointed a committee of conference on their part in relation thereto.

"A conference is requested.

"The House has concurred in memorial No. 5, of this House, entitled "a memorial to the Congress of the United States setting forth claims of this Territory to the jurisdiction of all the country north of a line drawn due west from the southern extreme of Lake Michigan, and praying the passage of a law establishing the line as aforesaid.

"And in the amendments made to resolution No. 7, entitled "Resolution to authorize E. Childs, chairman of the committee of arrangements to procure such articles as may be necessary for the next session of the Legislative Assembly.

"I am directed to present for your signature the following resolu-

tions, which have been signed by the Speaker of the House of Representatives :

"Resolution to authorize E. Childs, chairman of the committee of arrangements to procure such articles as may be necessary for the next session of the Legislative Assembly.

"And a preamble and resolution in relation to the contract for printing, entered into with James G. Edwards, at the last session of the Legislative Assembly."

And then he withdrew.

The President signed the resolutions referred to in the foregoing message.

The message from the House of Representatives, requesting that a committee of conference be appointed on the part of the Council, to confer with the committee on the part of the House, in relation to the disagreeing vote of the two Houses on resolutions No 8, (C. F.) "Resolutions to provide for publishing the laws and journals of the present session of the Legislative Assembly," having been read,

Mr. Martin moved that a committee be appointed in accordance with the request ; which was agreed to.

Whereupon, Messrs. Martin and Prentiss were appointed the committee.

Ordered, that the House of Representatives be informed thereof.

Mr. Wells, from the committee on enrollment, reported "a memorial to the Congress of the United States, praying a donation of land for the improvement of the Fox and Rock rivers," to be correctly enrolled.

The following message was received from the House of Representatives, by the clerk thereof :

"Mr. President—The House has disagreed to the report of the joint committee of conference relating to the disagreement of the two Houses on resolution No. 6, entitled 'a resolution to authorize the location of a portion of the University lands.'

"I am directed to present for your signature the following memorial which has been signed by the Speaker of the House of Representatives :

"A memorial to the Congress of the United States, praying a donation of lands for the improvement of the Fox and Rock rivers."

And then he withdrew.

The President signed the memorial referred to in the foregoing message.

Mr. Wells, from the committee on enrollment, reported the following to have been presented to the Governor for his approval :

An act to provide for the compensation of the officers of the Legislative Assembly, and for other purposes ; and

An act to locate and establish several territorial roads therein mentioned.

Also, the following to have been correctly enrolled :

A memorial to the Congress of the United States, setting forth the claims of this Territory to the jurisdiction of all the country north of a line drawn due west from the southern extreme of Lake Michigan, and praying the passage of a law establishing the line aforesaid ; and

Resolutions to provide for publishing the laws and journals of the present session of the Legislative Assembly.

Messrs. Childs and Billings, from the House of Representatives, were introduced, and informed the Council that the House had now completed the business before them, and were ready to adjourn.

On motion of Mr. Prentiss,

Resolved, That a committee consisting of two members of this House be appointed to act in conjunction with a similar committee from the House of Representatives, whose duty it shall be to wait upon his Excellency the Governor and inform him that the two branches of the Legislature have completed the business before them, and ask if he has any further communications to make at the present session.

Ordered, that the concurrence of the House of Representatives be requested therein.

Mr. Martin, from the joint committee of conference to which had been referred the disagreeing vote of the two Houses on resolution No. 14, "a resolution to provide for publishing the laws and journals of the present session of the Legislative Assembly," made report thereon as follows :

"The committee have agreed to recommend the adoption of the first and third amendments of the House of Representatives, and the amendment of the second amendment, viz : to strike out "laws and" in the third resolution, by striking out 'six hundred copies of the' in the third line, and the words 'laws and' in the sixth line."

The report was received and concurred in.

Ordered, that the House of Representatives be informed thereof.

The following message was received from the House of Representatives by the clerk thereof :

"Mr. President—The House of Representatives have adopted the joint report of the committee of conference in relation to the disagreement on resolution No. 14, to provide for publishing the laws and journals, &c. of the present session of the Legislative Assembly.

"The Speaker of the House of Representatives has signed the following, and I am directed to present the same for your signature :

"An act to locate and establish several territorial roads therein named.

"An act to provide for the compensation of the officers of the Legislative Assembly and for other purposes.

"Resolution to provide for publishing the laws and journals, &c. of the present session of the Legislative Assembly.

"A memorial to the Congress of the United States, setting forth the

claims of this Territory to the jurisdiction of all the country north of a line drawn due west of the northerly bend of Lake Michigan, &c.

"The House has appointed Messrs. Story and Sholes a committee on their part to act in conjunction with the committee appointed by the Council to wait on His Excellency the Governor, and inform him that the two Houses have completed their business and to ask him if he has any further communications to make to them."

And then he withdrew.

The President signed the acts, resolutions and memorial referred to in the foregoing message.

Mr. Wells, from the committee on enrollment, reported the following to have been presented to the Governor for his signature :

Resolutions to provide for the printing of the laws and journals of the present session of the Legislative Assembly.

A preamble and resolution in relation to the contract for printing entered into with James G. Edwards, at the last session of the Legislative Assembly.

Resolution to authorize E. Childs, chairman of the committee of arrangements to procure such articles as may be necessary for the next session of the Legislative Assembly.

A memorial to the Congress of the United States praying a donation of land for the improvement of the Fox and Rock rivers ; and

A memorial to the Congress of the United States, setting forth the claims of this Territory to the jurisdiction of all the country north of a line drawn due west from the southern extreme of Lake Michigan, and praying the passage of a law establishing the line aforesaid.

On motion of Mr. Irwin,

Resolved, That the thanks of this Council be tendered to George Beatty, for his prompt and efficient discharge of the arduous duties of Secretary.

The following message was received from the House of Representatives, by the clerk thereof :

"Mr. President—The Governor has notified the House that he did, on this day, examine and approve 'a resolution to authorize E. Childs, chairman of the committee of arrangements, to procure such articles as may be necessary for the next session of the Legislative Assembly.'"

And then he withdrew.

The President announced a communication from the Governor, informing the Council that he had on this day examined and approved the following :

A memorial to the Congress of the United States, praying a donation of land for the improvement of the Fox and Rock rivers.

A memorial to the Congress of the United States setting forth the claims of this Territory to the jurisdiction of all the country north of a line drawn due west from the southern extreme of Lake Michigan, and praying the passage of a law establishing the line as aforesaid.

A preamble and resolution in relation to the contract for printing entered into with James G. Edwards, at the last session of the Legislative Assembly.

Resolutions to provide for publishing the laws and journals of the present session of the Legislative Assembly.

Mr. Prentiss, from the joint committee appointed to wait on the Governor and inform him that the two branches of the Legislature have completed the business before them, and to ask if he has any further communications to make at the present session, reported that the committee had performed the duty assigned them, and that the Governor had informed them that he had no further communication to make to them.

On motion of Mr. Irwin, (the chair having been vacated, and Mr. Martin being called to preside), it was unanimously

Resolved, That the thanks of the Council be tendered to the Hon. William Bullen, for the satisfactory manner in which he has discharged the duties of the chair, as President of the Council.

The President having resumed his seat, rose and returned his acknowledgments to the Council, as follows :

GENTLEMEN—In return for the expression of your approbation of the manner in which I have discharged the duties of the chair, during the session now about to close, as manifested by the unanimous adoption of the resolution just offered, I can only renew to you my sincere acknowledgments for so flattering a token of your regard. Let me add the assurances of my high consideration and gratitude which I feel towards every member of the Council for the uniform kindness and support extended to me by them, while I have endeavored faithfully and impartially to discharge the duties as presiding officer of this body; and I take this occasion also to acknowledge the peculiar obligation I feel under, to the very able and worthy Secretary of the Council, for the aid contributed by him to render the duties of the chair comparatively easy and unembarrassing.

This short session, of four weeks duration only, is now to terminate. We are about to separate and return to the bosoms of our families, and again to mingle with our constituents. They will naturally and rightfully enquire for the results of our deliberations and actions while in session.

Although but few acts of a general character have been passed, as the discussions and action of this body have been chiefly confined to bills of a local nature, and to the passage of memorials to the parent government in behalf of the great interests of the territory; yet it is believed, that the concurrent resolutions of the two houses authorizing a revision of the laws, is a measure of infinite importance to the true interests of the people and to the credit and character of the territory; I doubt not that it will be so regarded by an enlightened constituency, and that they will approve the motives and commend the judgment

from which emanated a measure of so much consequence to the country. A measure, indeed, indispensable in the attainment of a great desideratum in the government and political machinery of the present territory and future state of Wisconsin, viz : the enactments and due administration of a system of good and wholesome laws, adapted to the genius, and suited to the wants and condition of an intelligent, enterprising, and democratic people.

A few weeks only will elapse, before we shall again come together, when we shall be called to act upon a collection and revision of the laws, which will be reported by the committee to whom this important subject has been entrusted. It is believed the people of the territory have a sufficient guaranty in the high character and eminent qualifications of most of the gentlemen composing the committee of revision, that they will be presented with a code and system of laws well calculated to secure them in their just rights and elevate the character of the territory.

In taking my leave of you, indulge me gentlemen, in the expression of my fervent desire for your prosperity and happiness, and for your safe return to your respective families and friends.

On motion of Mr. Irwin,

The Council adjourned, *sine die*.

APPENDIX.

Document A.

MEMORIAL, No. 1.

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The Memorial of the Legislative Assembly of the Territory of Wisconsin respectfully represents : That the Pecatoneca River is one of the most important tributaries of Rock River, which discharges its waters into the Mississippi, at or near Rock Island, (Fort Armstrong :))

That Rock River, except at a very low stage of water, is navigable as far into the Territory as the mouth of the Crawfish for that class of steam-boats which are used upon the Missouri and Illinois rivers, and the Mississippi above the mouth of the Missouri ; and that the improvements which are contemplated, and for which appropriations have been made, will, when effected, make it thus navigable at a low stage of water.

An appropriation of land was made by Congress at its last session for the construction of a canal from Milwaukee on Lake Michigan, to some point on Rock River, below the mouth of the Crawfish, from which it is supposed sufficient funds will be realized to construct the canal, and that it will in two or three years be completed ; thus forming another uninterrupted channel of water communication between the Atlantic cities and the Mississippi River, through the great Lakes.

The Pecatoneca River and its tributaries water nearly all that part of the Territory between the fourth principal meridian and Sugar Creek, (a distance of about forty-five miles east and west,) and between the State line of Illinois and the dividing ridge, as it is called, running east and west nearly parallel with the State line, and at an average

distance of about thirty-five miles from it ; which tract of country embraces about one-fifth part of the whole population of the Territory, and by far the greatest and most valuable portions of its Lead Mines, and is not excelled in the inducements it holds out for the encouragement of agricultural or manufacturing enterprise by any equal extent of country in the Territory. The tax annually incurred by the people of that portion of the country for the transportation by land of their numerous imports and exports to and from the Mississippi, is extremely burdensome and retards to a considerable extent the settlement and prosperity of the country.

The Pecatoneca unites with Rock River in the State of Illinois about twenty miles south of the State line, and is more sluggish, and except that it is more crooked, is better adapted for navigation by steam-boats, from its mouth as far up as the forks, about six miles above the State line, than Rock River itself ; so that no improvement would be necessary below the forks, and perhaps two or three miles above, except to straighten the channel in a few places by cutting through some of the points which form the crooks. Above the forks the west branch is remarkably well adapted to improvement by means of slack water navigation, to a point within a few miles of Mineral Point, as the banks are high and the water generally sluggish ; from there to Mineral Point a canal could be made without extraordinary expense, and sufficient money to make the contemplated improvements, could undoubtedly be realized from the sale of every alternate section within five miles of the river or canal, or from a corresponding amount of equally valuable land in any other part of the Territory.

The Legislature deem it unnecessary to point out in detail the numerous advantages which would result from the contemplated improvement, but will only say that the same results would undoubtedly flow from this improvement, which have followed other similar improvements in different parts of the country, but they would fail in discharging their duty if they should omit to express their belief that Government would realize more money from the alternate sections which would be reserved to them at the minimum price of two dollars and fifty cents per acre, than they will now realize from all the lands at the present minimum price ; and furthermore, that such an improvement would give a value to lands more than five miles from said river, or canal, which are now comparatively valueless, and thus greatly increase the revenues of the Government, besides greatly enhancing the value of the public domain in the State of Illinois, in the vicinity of the Pecatoneca and Rock rivers.

This improvement, taken in connexion with the canal from Milwaukee to Rock River, would open to the citizens in that part of the country, which would be affected by it, a new channel of trade, which would not only be of great importance to them but would enable all that part of the country, lying upon the Lakes and the New-York canal, to reap

the benefits of our trade, and would enable them to receive our mineral products, which they now receive by way of New Orleans and the Atlantic cities, by a cheaper and more direct route ; for these and a variety of other reasons which will readily occur upon an examination of the subject, the Legislature respectfully ask your honorable body to grant to this Territory, for the purpose of improving the navigation of the Pecatoneca River, from Mineral Point to a point where the State line of Illinois crosses said river, or of constructing a canal in lieu of such improvement, in such place or places as an improvement of the river shall be deemed inexpedient, every section of land which shall be designated by an odd number within five miles of either bank of said river, or of said canal ; and in case it should be found that any such sections, or any parts of them have been previously sold, to grant to the Territory a corresponding amount of land out of any of the unsold lands of the Government in the Territory.

Document B.**MEMORIAL, No. 2.**

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The Memorial of the Legislative Assembly of the Territory of Wisconsin respectfully represents : That the title of the Menomonee nation of Indians is yet unextinguished to that portion of our Territory lying on the north-west side of, and adjacent to, the Fox River of Green Bay, from the Portage of the Fox and Wisconsin rivers, to the mouth of Wolf River. This tract of country, although of comparatively small extent, is nevertheless, of the utmost importance to the Territory, in consequence of its geographical position, and of the fact that the Indian title to mostly all the lands, by which it is surrounded, has been already extinguished, and settlements to a considerable extent have already been commenced upon them ; thus leaving in the midst of our settlements a tract of country inhabited only by savages, and those of a description who have not the slightest tendency towards civilization.

The Legislature would also urge upon Congress with earnestness, the fact, that a deep interest is felt by the citizens of the Territory in the improvement of the Fox River ; some slight improvements in which, together with the construction of a canal from the Fox to the Wisconsin River of one and a quarter miles long, (which has already been commenced,) would afford an uninterrupted water communication from the Great Lakes to the Mississippi, by a route which nature seems to have designated for that purpose. Congress have already made appropriations for the survey of Fox River with reference to its future improvement, and the report of the engineers is understood to be highly favorable, and it seems highly probable that the report of the engineers will be followed by an appropriation to make the improvement ; but a very limited and partial benefit, will be derived from any such appropriation, or improvement until the title of the Menomonee Indians is extinguished to the tract alluded to, as most of the improvements needed upon the Fox River would be required to be made upon that part of it skirted by those lands. The Legislature, therefore, respectfully ask of your honorable body, an appropriation for the purpose of enabling the President of the United States to cause the title of the Menomonee Indians to be extinguished to that portion of our Territory before alluded to.

Document C.**MEMORIAL, No. 3.**

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The Memorial of the Legislative Assembly of the Territory of Wisconsin respectfully represents : That being well aware that it has ever been the true policy of our Government to lend every possible aid to facilitate and protect both our foreign and domestic commerce, approach your honorable bodies with great confidence, in laying before you the precarious situation of the shipping interest of Lake Michigan, where the loss of lives and property are yearly very great. The great increase of commerce upon Lake Michigan must be apparent to all, when they consider the rapid settlement of that section of country bordering upon its western shore. On this great inland sea, from Chicago in Illinois, to the mouth of Green Bay, a distance of about two hundred and fifty miles in extent, there are no artificial harbors for the protection of vessels from the gales and heavy storms that are very frequent upon this lake; within this limit in the Territory of Wisconsin, there are numerous towns rapidly growing up to great commercial importance.

Your memorialists deem it only necessary to attract your attention to the great loss of lives and property, to secure your immediate action in making suitable appropriations for the construction of harbors at several of the most important towns upon the western shore of this Lake, in the Territory of Wisconsin. Entertaining these views they would respectfully recommend, that Congress make the following appropriations during the ensuing session, to wit :

The sum of forty thousand dollars for the improvement of the harbor at the mouth of Milwaukee River.

The sum of twenty thousand dollars for the improvement of the harbor at the mouth of Root River, at Racine.

The sum of twenty thousand dollars for the improvement of the harbor at the mouth of Pike Creek.

And, also, five thousand dollars for the construction of a light-house at the same place.

The sum of twenty thousand dollars for the improvement of the Harbor at the mouth of Sheboygan River, at Sheboygan.

And, also, twenty thousand dollars for the improvement of the harbor at the mouth of Manitouwoc River, at the town of Manitouwoc.

And, also, for the purpose of constructing and placing buoys in the channel near the entrance of Fox River at the head of Green Bay, the sum of fifteen hundred dollars.

Surveys and reports have been made by order of the Secretary of War of all these points, and heretofore submitted to Congress; they show in the most obvious manner, the practicability and importance of this immediate improvement.

Your memorialists would further recommend an appropriation of a sum not exceeding two thousand dollars to survey the route, and report the practicability of a cut from Sturgeon Bay to Lake Michigan, a distance of about two miles.

Document D.**MEMORIAL, No. 4.**

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The Memorial of the Legislature of the Territory of Wisconsin, would respectfully call the attention of your honors to the condition of the Miners residing in the Territory, and pray that Congress would adopt such measures as in their wisdom may be just and right.

This portion of our fellow citizens, industrious, honest and enterprising, were invited by the General Government about the year one thousand eight hundred and twenty-six, to embark in the enterprise of mining, in the country known as the United States Lead Mine District, under the regulations prescribed by the superintendant. At that time the country was overrun by the natives, and in a perfect state of nature, a long distance from civilization, all the means of subsistence had to be brought several hundred miles up the Mississippi River, the navigation of which was then but very imperfectly known. They, therefore, had to undergo and endure many privations and hardships from these causes alone ; but, in addition to these, two Indian wars rendered their situation more perplexing and severe, more particularly the war of 1832, when the enemy surrounded the country on all sides, killing, scalping, and tomahawking many of our citizens. The miners were then found in the front of the fight, staying the savage destroyer, and finally were the great instruments in bringing to a close the war ; nevertheless, under all these difficulties, they have, by their perseverance and industry, developed the mineral resources of the country, and paid the Government in lead, arising from a tax imposed upon their labor, an amount nearly equal to the purchase money paid for lands. Their labor has been the source of great natural wealth ; it has produced to the United States annually, for the last ten years, nearly fifteen millions of lead ; they have furnished a market for a large amount of the products of the States of Illinois and Missouri ; given freight to almost all the steam-boats on the great Mississippi River, and employment to innumerable persons who have been engaged in handling and transporting lead, the results of their labors. These, however beneficially they may be looked upon, are only the secondary benefits the Government have received. What would now have been the condition of this country had these men remained at their homes and ne

answered the call of the Government : a mere unprofitable wilderness ; and the coffers of the Government would not have been filled with the monies derived from the sale of the lands in this vicinity. Thousands of dollars, which have been paid into the Treasury of the United States would have been withheld, and the country remained on the hands of the Government, an immense waste, where now industry and civilization flourish. It has been wisely the policy of the Government to extend to all citizens, who may first settle upon public lands, the right of pre-emption. It has been found their interest to encourage the hardy and enterprising to proceed in advance of settlement, and prepare the way for those who are unaccustomed to the inconvenience and privation incident to the first settlement, and experience has taught the United States, that no measure is more conducive to the settlement of the wild lands—to the opening of new countries—to the developement of the resources which lie hid in the wilderness, than the encouragement given to those men who first have the hardihood to plunge into the wilderness and pave the way for those that come after them, to whom the Government readily sell their lands, and sometimes even at advanced rates. These privileges have been given in almost every instance from a mere matter of policy without any claims on the part of the pre-emptors.

Our fellow-citizens, the miners, came here at the invitation given by the General Government, and have a right to expect to be protected and secured in the claims which were granted them by Government. It is well known to your honors, that to each miner, under the regulations adopted by the President of the United States, sanctioned by a law of Congress, was allotted certain pieces or parcels of land upon certain conditions for the purpose of mining ; which condition has, by the miners, been fulfilled, even under the difficulties and embarrassments which have occurred ; therefore, when they see every other portion of the community favored and fostered by the Government, while they are left unprovided for, it is to them a source of grief, and almost of distrust, in the institutions of the country. Their love of country, however, induces them to bear with the inconvenience and uncertainty of their situation relying upon the hope that the Government will, in the end, do them justice.

Public opinion has, at last, determined that it would be wise to sell these mineral lands ; they are no longer productive of any revenue to the United States, and are now every day decreasing in value, because of the policy which has of late years been pursued ; our miners have relaxed in their exertions, and the miners are now only partially at work—the labor being only directed to advance the immediate, or present interest of the possessor—all of which tends to injure the miner and destroy the country. The uncertain tenure by which these lands are now held, and the backwardness which seems to have prevailed to place it upon a more safe and sure foundation to the possessor, will not

warrant him in devoting his labor or expending his means, fearful that the policy of the Government will be, to sell their land without providing for the occupant; his improvements would then be a premium to the greedy speculators, who are, at all times, ready to make the most of their money, even though it take the hard earnings of the poor and industrious man.

The Council and House of Representatives of the Territory of Wisconsin, with all due deference and respect to the Senate and House of Representatives, would respectfully recommend the passage of the following bill—one well calculated to relieve the miners from the embarrassed situation in which they are now placed, as well as promote their own welfare, and that of the country, and advance at the same time the interest of the United States in the sale of the Mineral Land; and as in duty bound ever pray, &c.

A BILL

For the sale of Mineral Land in the Territory of Wisconsin and for other purposes.

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That all the mining lots containing mines, diggings, and discoveries of lead ore in the district of lands subject to sale at Mineral Point in the Territory of Wisconsin, to which miners or other persons have a just and equitable claim, may be entered by the claimants at the rate of one dollar and twenty-five cents per acre.

SEC. 2. That when two or more claimants can secure their mines, diggings, or discoveries of lead ore, by entering a quarter-quarter section, they shall enter the said quarter-quarter jointly, and after said claimants shall have measured and staked off and secured by proper deeds or assignments from each other, their several mining lots or claims, the residue of said quarter-quarter section shall be owned jointly by said claimants; provided, that if the mines, diggings, or discoveries of said claimant, run upon an adjacent quarter-quarter section, said claimant may enter ten acres or two ten acre lots, (so as to secure their mining lots) each being in a square form from said adjacent quarter-quarter section, and the residue of said quarter-quarter section shall be offered at public sale before the same shall be sold at private entry; and provided further, that no mining lot, to which a claim is made, shall exceed ten acres of land in a square form, the boundaries whereof shall conform in direction to the sectional lines of the public surveys.

SEC. 3. That when but one person owns a mine, or discovery of lead ore, upon a quarter-quarter section, he may enter the same, and if his mine or discovery extends upon an adjacent quarter-quarter, he may enter one of the said ten acre lots on said adjacent quarter-quarter.

ter, and the residue of said quarter-quarter shall be offered at public sale before it shall be sold at private entry.

Sec. 4. That for the purpose of carrying into effect the provisions of this act, the sub-division of quarter-quarter sections shall be by lines running east and west and north and south, through the centre of the quarter-quarter sections which contain mines, diggings or discoveries of lead ore, and said sub-division shall be designated as the north-east, north-west, south-east or south-west fourth of the north-east, north-west, south-east or south-west quarter of the north-east, north-west, south-east, or south-west quarter of the section; and the surveyor general at is hereby authorized to appoint a competent surveyor to make the subdivisions required by this act, and require him to make the proper returns; and said surveyor shall be compensated for his services under this act, by the persons owning mines, or discoveries of lead ore, upon the quarter-quarter sections which it may be necessary to sub-divide.

Sec. 5. That all entries in said land district, of one hundred and sixty acres of land or under, the pre-emption law of June 19, 1834, shall be deemed legal and good, except it be shown that an entry was obtained by fraud, or false swearing, or that the just and equitable rights of miners, or owners of mines or discoveries of lead ore, were injured by said entry; in either of which cases the Commissioner of the General Land Office shall withhold the patent from the person so entering until the matter shall have been decided by the judicial tribunals of the Territory; and in case the decision be against the person entering said tract, he shall receive the money which he paid for the same from the Receiver of public money at Mineral Point; but if the Court decide that the entry be good and legal, the patent shall issue to the person who made the same; provided, however, that every entry under said pre-emption law which shall contain mines, diggings, or discoveries of lead ore, and where it shall appear that no fraud or wilful false swearing was resorted to by persons entering or proving a right to enter, shall be deemed valid and good, and the Commissioner of the General Land Office, shall issue a patent for every such entry after he shall have been satisfied by good and sufficient proof that the person so entering has made restitution or satisfaction to each and every miner, and other person who had a good and just claim to any mine, or discovery of lead ore, on the tract so entered.

Sec. 6. That in all cases when property in mines, or discoveries of lead ore, shall have been entered in said land district by persons not having a just right thereto, either by deceiving the Land Officers, or by taking advantage of their ignorance of the location of such mines, or discoveries, the Commissioner of the General Land Office, on a representation and sufficient proof of such improper entry, is authorized and directed to withhold the patent from the person entering said mines or discoveries, until said person shall have satisfied the parties

interested, and when said Commissioner is notified that said satisfaction has been made, he may issue the patent.

SEC. 7. That all disputes which may arise in said land district respecting claims to mining lots, or respecting the boundaries thereof, shall be settled as heretofore by arbitration or by judicial tribunals of the Territory, and the award or decision in every case shall be forthwith filed in the office of the Register of the Land Office at Mineral Point.

SEC. 8. That all lands in said district which have been reserved from sale on account of diggings, or discoveries of lead ore, shall be offered at public sale in the usual manner, under the direction of the President of the United States, the *bona fide* owners or claimants, of mining lots being first satisfied as provided by this act.

Document E.**MEMORIAL, No. 5.**

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled :

A Memorial of the Legislative Assembly of the Territory of Wisconsin. — It is believed by your memorialists, that all that district of country lying between the northern boundary line of the State of Illinois, and a line drawn west from the southern extreme of Lake Michigan to the Mississippi, rightfully belongs to the Territory of Wisconsin. No attempt has hitherto been made, on the part of this Territory, to vindicate her rights to this extensive region of country, although guaranteed to her by solemn compact. But the people, in view of the importance of the district in question—comprehending more than five thousand square miles—inferior to no other district of equal extent in the western country, either in soil, climate, or commercial advantages, already settled by an enterprising and thrifty population, of nearly double the number of the present inhabitants of Wisconsin—no longer deem it proper to be silent on this subject, and do now, through their Representatives, respectfully ask leave to present this memorial to your honorable body for present consideration.

The title of this Territory to the jurisdiction of the district in question, rests in sundry acts of Congress and of the commonwealth of Virginia. This State, with certain others, was the original proprietor, and had jurisdiction over that whole country, which was afterwards called “The Territory of the United States north-west of the river Ohio.”

It was early an object with Congress to obtain the cession of this Territory to the United States; accordingly, by an act, passed September 13th, 1783, that body proposed certain terms and conditions on which such cession would be received, that is to say, “upon condition that the Territory ceded should be laid out and formed into states, containing a suitable extent of territory, each not less than one hundred nor more than one hundred and fifty miles square, or as near that as circumstances would permit.” This whole country was afterwards ceded to the United States upon these terms, and it must be beyond debate or doubt, that upon principles of law, no less than equity and justice, Congress were bound by the conditions of the contract introduced into it first by themselves.

These memorialists are gratified to find, that in no instance has this obligation been denied by that body. It may be safely asserted, that

in every act relating to this territory thus ceded to the United States, where this point was drawn in question, from the day it was ceded to the present time, Congress have explicitly recognized the force of their own agreements. This will appear and be established, by a brief survey of the history of the legislation of Congress on this subject.

The stipulations of the act of 1783, above cited, were changed by the Ordinance of July 13th, 1787. entitled "An ordinance for the government of the Territory of the United States north-west of the river Ohio." This contained several articles, entitled "Articles of compact between the original states and the people and states within said territory," and it is declared in said ordinance that these articles "shall forever remain unalterable unless by common consent." In the fifth article the Territory is divided into states, and after the boundaries of three states, extending from the river Ohio on the south, to Canada on the north, were prescribed, it proceeds as follows, viz: "Provided, however, and it is further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that if Congress shall hereafter think it expedient, they shall have authority to form one or two states in that part of said Territory which lies north of an east and west line drawn through the southern bend or extreme of Lake Michigan." To this article was prefixed the condition "As soon as Virginia shall alter her deed of cession and consent to the same," clearly acknowledging the binding force of the first compact now attempted to be changed, and that it could not be done without the consent of the parties to it. In December, 1788, Virginia made the alteration in her act of cession, and thus came into this second agreement with Congress, which is the present subsisting compact.

The act of 1802 is the next in order, enabling the people of Ohio to form a constitution, &c. in order for admittance into the Union. This act is in conformity with the compact. So, also, is the next following act of 1805, establishing the Territory of Michigan. But in 1816 the act for forming Indiana into a State to be admitted into the Union, makes a departure from the provision of the compact; which, however, is made conditional by the following proviso, viz: "Provided, that the convention hereinafter provided for, when formed, shall ratify the boundaries aforesaid, otherwise they shall be and remain as prescribed by the ordinance for the government of the territory of the United States north-west of the river of Ohio." Here the admission of the force of the compact is evident from the mistaken attempt to fulfil it.

The last act to be noticed in this review, is that to enable the people of Illinois to form a constitution in order for admission into the Union, dated April 18, 1818, and is the act whose validity is here called in question by your memorialists. This act comes directly in collision with, and is repugnant to, the compact entered into by the original states with the people and states within this north-western territory. The attempt to comply with the compact by introducing the proviso, which

is in the words just quoted from the Indiana act, is a vain one. It is admitted that the convention provided for in the act, did ratify the present boundaries of the State of Illinois. But does it remove the objection that the compact is violated? This is the great question and the only one in debate, because it is conceded that this compact is the law binding all parties, and irrevocable except by the consent of all parties.

It will be contended on the part of Illinois, that Congress, and the people of that State were the only parties whose consent was requisite to give validity to the act of 1818, according to the compact. But it is insisted that neither the letter nor spirit of this instrument will admit of this construction. Who are the parties named in the compact? A compact between whom does it say? The original states and the people, and the states within said territory. Ohio and Indiana were states within the territory. Michigan was erected into a territory, and another party was the whole people of said territory. Neither of them have given their consent. If it is argued that the said states and territory of Michigan, being represented in Congress when the act was passed, did thereby give their consent; in reply, the decision of Congress upon a question not distinguishable from this may be cited. The separate consent of the State Legislature of Virginia to certain provisions of the ordinance of July 13th, 1787, which conflicted with the compact, was by Congress deemed necessary, although she was in like manner present by her representatives at the enacting of the ordinance. The act excludes all the people of the Territory, who lived out of the prescribed boundary lines of the state, and they have given no consent. True, the number might then have been small, but does that take away their political rights? If there were any, they were parties to the compact—and where is the evidence that there were none? Virginia intended to provide by the compact for all her citizens. Suppose the formation of a State Government for Illinois had been postponed to the present time, could her present boundaries be legally established without the consent of the people north of the state; and how are the rights of the present population better or different from those of the inhabitants of the same country in 1818? Suppose again, a law to have been passed by Congress, placing the boundary of the state as far north as the river Wisconsin, have Ohio, Indiana, Michigan, and the exposed handful of citizens beyond the Wisconsin no interest in the matter—and can they have no voice in a subject so deeply affecting their welfare? No, the spirit of the compact as well as its letter and most obvious meaning, will bear no such construction; and if it can be set aside by any one of its parties at pleasure, its spirit has fled. It is a dead letter. The important provision of the compact next following the clause here violated, the right to admission into the Union when a state shall have a certain number of inhabitants, may be taken away next; and what can secure the right to the writ of habeas

corpus and a trial by jury to this remnant of the people? Nay, what can prevent the last vestige of the compact from being erased from the statute book, if the power here assumed legally belongs to one of the parties without the concurrence of the others?

Your memorialists are willing to leave the subject here, fully convinced that it was an erroneous construction of the compact, which led to the opinion that it could be altered by the parties called upon to consent, in the case now before them, without the consent of all the other parties to it, and that the boundaries of the State of Illinois should "be and remain as prescribed in the ordinance for governing the Territory north-west of the Ohio."

Your memorialists furthermore respectfully petition your honorable body to pass a law at its present session, to enable the people of the Territory of Wisconsin, in conjunction with the inhabitants of the district of country lying between the northern boundary line of the State of Illinois, and a line drawn west from the southern extreme of Lake Michigan to the Mississippi, to form a constitution and state government for admission, as a State, into the Union, "on an equal footing with the original States," if it is deemed consistent with the general interests of the United States.

This is a question of expediency, and is cheerfully submitted to the discretion of your honorable body.

Document F.**MEMORIAL, No. 6.**

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The Memorial of the Legislative Assembly of the Territory of Wisconsin respectfully represents : That the two tribes of Brothertown and Stockbridge Indians reside upon a tract of land surrounded by white settlements within this Territory, the jurisdiction of which is excluded from the territorial laws. Those tribes, formerly residing in New-York, were governed by the laws of that State, and acquired a degree of civilization rendering them competent to exercise all the privileges of citizenship. Indeed, they are incapable from their pursuits, habits, and manners, of exercising that exclusive power of making their own laws in the mode which is vested in, and exercised by, all native Indian tribes by the laws of the United States. To make their government effective among themselves, it would be necessary for them to make a constitution and form of government similar in their features and operation to those of the several States. Their numbers, however, are so small, not exceeding 200 adult male persons, that, rather than incur so great expense and difficulty as would be attended by it, they have heretofore lived without law, either for the punishment of offences, or enforcing mutual contracts between their citizens.

Your memorialists would further represent that the members of those two tribes are, with few exceptions, well educated and versed in the language and laws of the country—that they are of industrious and sober habits—that they are well skilled in agricultural and mechanical pursuits ; and that they are all weaned from the roving character of the native Indian. They are farmers and mechanics, whose industry has greatly improved the section of country they occupy ; and they are, in every respect, worthy of enjoying their property in individual right, and becoming incorporated with the civil government of the Territory.

Your memorialists, therefore, in pursuance of their request, ask that a law may be passed, securing their lands to them in fee, and that they may be admitted to all the privileges of citizens of the United States.

Document G.**MEMORIAL, No. 7.**

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The Memorial of the Legislative Assembly of the Territory of Wisconsin respectfully represents: That in the summer of 1835, Ebenezer Childs, Linus Thompson and Francis Laventure, being possessed of three floating rights, under the pre-emption law of 19th June, 1834, located the same, agreeably to the provisions of said act, upon lots one, two and three of section thirty-two, township seven, range twenty-two, in the county of Milwaukee, and received the Receiver's receipts for the same. That in the same year, the late President of the United States by proclamation, ordered the sale of certain lands in the Green Bay Land District, to be held at Green Bay, in the month of September; among the Lands thus ordered for sale, was said township seven, it being then embraced within the limits of the said land district, and at which sale the whole of said township was sold, with the exception of such parts as had previously been obtained by pre-emption, or floating rights. Since that time the original purchasers or those who hold under them, have had undisputed possession of said premises. In the month of May last these floating rights were rejected by the commissioner of the General Land Office, and an order was issued by him to the land officers at Green Bay, directing them to refund the money paid therefor: The present occupants of these lands have erected many valuable buildings thereon, and are now only prevented from making further improvements by the decision above referred to.

The title has passed from the original purchasers, through a great number of persons to the present owners who have paid therefor at from one to five thousand dollars per acre, and who supposed no doubt existed as to the validity of their titles, and if the Government does not interpose and grant some relief, consequences will follow ruinous to many innocent individuals who must lose what has already been paid together with all the improvements made on the premises. If, after the lapse of three years, pre-emptions allowed by the authorised agents of the Government are to be rejected, there is no safety in purchasing lands similarly obtained, from the United States. Such a course would involve in ruin the best citizens of the West, and destroy all confidence in titles, whether derived from the United States or private individuals;

would retard the settlement of the country, prevent the transfer of property, and involve in endless and ruinous litigation, many of the industrious citizens of this Territory.

Viewing therefore, the circumstances of the present case, the amount of property involved, the length of time that has elapsed since the original purchase, we would ask of the Congress of the United States, a confirmation of the titles to the above mentioned lands, believing, that in this way only, can strict justice be rendered to the present occupants.

Document H.**MEMORIAL, No. 8.**

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The Memorial of the Legislative Assembly of Wisconsin most respectfully represents to your honorable bodies : That the improvement of the navigation of the Fox River in this Territory, is a measure deserving of immediate and favorable consideration. Its importance has repeatedly been urged, but nothing has yet been done towards effecting its accomplishment. A Government Engineer was appointed a year or two since to survey the channel of this river with a view of ascertaining the practicability of its improvement. Your memorialists, however, have not yet been able to ascertain what was the result of this survey, although they cannot believe that the report upon the subject was otherwise than favorable.

When are taken into view the advantages which must result not only to the Territory but to the United States, from the accomplishment of the improvement alluded to, and the comparatively trifling nature of the obstacles to be overcome ; in effecting it your memorialists cannot believe that your honorable bodies will hesitate in making such reasonable appropriations as may bring about the great desideratum desired, viz : a connection of the northern Lakes with the Mississippi via. the Fox and Wisconsin rivers.

It will be advantageous to the United States and to the Territory, in throwing open for settlement and improvement a vast extent of country bordering the eastern and western shores of the Fox river : a great portion of which is yet owned by the Government, and the value of which must necessarily be greatly enhanced. Notwithstanding the want of facilities of commercial intercourse, and the at present almost insurmountable obstacles to be encountered by settlers in penetrating into the interior ; so inviting is this country, in consequence of the productiveness of its soil, the healthfulness of the climate, and the many other natural advantages which it possesses, that even now, when there are scarcely any means of ingress or egress, the tide of emigration is steadily, though slowly, finding its way to this region. Commercial facilities only are wanted, to secure to this country a rapid settlement, a prosperity unexampled and abiding ; and the Government will be benefitted, not only by the great increase in the value of its domain along the Fox and Wisconsin rivers, but the annual saving to the United States in the transportation of troops and military stores,

from the Lakes to the Mississippi on this route, would, in the course of three or four years, your memorialists believe, be almost sufficient to cover the expense of the desired improvement.

It is probably known to your honorable bodies, that a company is now engaged in constructing a canal, for the purpose of connecting the navigation of the Fox and Wisconsin rivers. The length of this canal will be but a mile and a quarter. It is under contract, and has been so far progressed with, as to leave but little doubt of its early completion; all then that will be necessary to open an uninterrupted water communication from the Lakes to the Mississippi, is the removal of the obstructions to the navigation of the Fox, which are rapids extending a distance of but a few miles. For the proper information upon this subject, your memorialists would respectfully refer to the report of the Engineer appointed to survey the river.

Your memorialists will not trespass long upon the attention of your honorable bodies in setting forth the beneficial results which must flow from this improvement. They feel convinced that the object suggested to your attention from its great importance cannot fail to receive attention; and they would respectfully ask an appropriation of every section of land which shall be designated by an odd number, within five miles of either bank of said river, and in case it should be found that any such sections, or any part of them, have been previously sold, to grant to the Territory a corresponding quantity of land out of any of the unsold lands of the Government within the Territory.

Your memorialists would further represent that the Rock River, which intersects the Territory from north to south, has its origin within ten miles of Winnebago Lake. Although this stream has not yet been surveyed with a view to its improvement, it is believed that a small expense in overcoming two principal rapids, would make it navigable for steamboats of the size which navigate the several rivers in the Territory. The land lying between Rock River and Winnebago Lake, is a low, level tract, through which an excavation may be made at trifling expense, and a canal of not exceeding fifteen miles in length, would make a connected navigation between them. The importance of this work, will be evident from a glance at the map of our Territory. This stream is midway between the Lake and the Mississippi, and settlements are rapidly forming along its borders, although great difficulties are encountered by the settlers on account of the want of timber for the erection of comfortable buildings and in procuring the necessary supplies. This navigation, in connexion with that of the Fox River, would open to them the extensive pineries of the north, and access by the way of Green Bay to the eastern cities.

On the Rock River the largest portion of lands is yet owned by the Government, and the same reason may be given for extending a donation of lands for the improvement of that stream which has been so

successfully urged in favor of similar grants, viz : that the value of the public lands in its vicinity would be greatly enhanced.

Your memorialists would, therefore, ask a like donation of the alternate odd sections within five miles of Rock River, to be expended in improving said stream and constructing a canal from the nearest practicable point thereon to Winnebago Lake.

COMMUNICATIONS OF THE SECRETARY OF THE TERRITORY, REFERRED TO IN THE FOREGOING PAGES.

NUMBER 1.

SECRETARY'S OFFICE, Nov. 27th, 1838.

To the Hon. the President of the Council :

SIR—I have the honor herewith to present, through you, to the body over which you preside, the printed copy of the laws referred to in my communication of to-day.

I have the honor to be, &c.

W. B. SLAUGHTER,
Sec. Wisconsin Territory.

NUMBER 2.

SECRETARY'S OFFICE, Dec. 1st, 1838.

To the Hon. the President of the Council :

SIR—In reply to the resolution of the Council, on yesterday, requesting me "to report in full on the subject of my disbursements of Public Monies, in defraying the expenses of the Legislative Assembly, and also to report whether the sums for which the faith of the Territory has been pledged, have been fully discharged." I have the honor to state, that in accordance with the provisions of the organic law, and in conformity with a bond which I entered into with the Secretary of the Treasury of the U. States, I have made regular reports to the Secretary of the Treasury on the subject of my disbursements ; and that since I held the office of Secretary of the Territory, the faith of the Territory has been pledged but once, and then for ten thousand dollars for the purpose of defraying the expenses of the extra session in June last. The amount was borrowed by me, from the bank of the "State of Missouri," for which I gave my note, which has been cancelled by the bank, and herewith presented to the Council.

I have the honor to be, very respectfully,

W. B. SLAUGHTER,
Sec. Wisconsin Territory.

[No. 1]

Saint Louis, Mo. June 18th, 1838.

Thirty days after date I promise to pay to the order of William B. Slaughter negotiable and payable at The Bank of the State of Mis-

souri, ten thousand dollars for value received, without defalcation. Executed by me, under authority of the Council and House of Representatives of Territory of Wisconsin, of 15th inst.

[\$10,000]

W. B. SLAUGHTER.

Sec. of Wisconsin Territory.

[Endorsed, W. B. Slaughter.]

NUMBER 3.

SECRETARY'S OFFICE, Dec. 10th, 1838.

To the Hon. the President of the Council :

SIR—In reply to a resolution of the Council of the 7th inst. requiring information upon the subject of the maps of the Territory, ordered to be made by a resolution of the Legislature, approved Dec. 20th, 1837, I have the honor to state, that I employed a competent draftsman to execute a manuscript map of the Territory, which was completed early last summer, with the exception of a small portion of the territory, the surveys of which had not been returned to the office of the Surveyor General. I proceeded to Cincinnati in August last, obtained access for the draftsman to the plats of the Surveyor General's office, and soon had the map ready for the engraver. Four or five engravers were employed to execute that work, which was completed in about six weeks. We saw, however, that the chief difficulty in the early accomplishment of the work, consisted in the want of suitable paper. I however, met with a Mr. Hudson, of Hartford, Conn., an extensive paper manufacturer, with whom I contracted to furnish the paper. In less than three weeks from that date the paper was shipped to Philadelphia, of which I received due notice. When I left, in October, it had not arrived, owing to the low stage of water in the Ohio river; it was, however, daily expected by land—in which event, my agent informed me, the maps would be at this place during the session.

I have the honor to be very respectfully,

W. B. SLAUGHTER,

Sec. Wisconsin Territory.

NUMBER 4.

SECRETARY'S OFFICE, Dec. 10th, 1838.

To the Hon. the Council and the House of Representatives :

GENTLEMEN—I have the honor herewith to transmit a letter from Judge Mason, of Iowa, who was employed by me to prepare the laws

of the last *general* session, for publication, and by the Legislature there, of the *special* session. By which it will be seen, that the duties thus imposed upon him have been faithfully performed, and that the delay in the publication of them has arisen from other causes..

Inasmuch, however, as the laws of the general and special sessions are probably now printed, the special messenger will return with them forthwith.

I have the honor to be, very respectfully,
W. B. SLAUGHTER,
Sec. Wisconsin Territory.

BURLINGTON, November 21, 1838.

SIR—I am sorry that I am compelled to inform you that the laws, which were to have been ready for distribution by the middle of September last, are not even yet entirely printed. I have just seen Mr. Edwards; he thinks he shall complete the printing within three or four days, and that within two or three weeks time they may be ready for distribution; but experience has shown the necessity of making some allowance in estimates of this kind. It would not probably be practicable to send them to your territory until the opening of navigation in the spring, and by that time they will probably be completed.

The causes of this delay, as given by Mr. Edwards, are first, the general sickness that has pervaded this country, and which has not spared himself and his family; and secondly, that it has not been practicable for him to obtain a copy of the printed laws, which were ordered to be re-published. He has not been delayed a moment for want of copies of the laws of the last general and special sessions. These are all that Mr. Edwards himself is intending to print.

The laws of 1836, and those selected from the Michigan statutes, which were ordered to be re-published, were printed in Pennsylvania, under the direction of Mr. Clarke, of whom Mr. Edwards contracted to take them. Owing to the low stage of water in the Ohio, they have not been received, and will not probably arrive before spring.—Owing to this fact, Mr. Edwards has, I believe, concluded to have the laws he himself has printed, done up by themselves, so that they may be ready for distribution immediately as opportunity presents itself.

Yours truly,

CHARLES MASON.

WM. B. SLAUGHTER, Esq.

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- To provide for the election of a territorial printer, first reading, 74—proceedings before passage, 81 and 82—passed Council, 83—laid on the table in the H. of Reps., 100.
- To provide for aiding in the construction of the Milwaukee and Rock River canal, first reading, 76—proceedings before passage, 83 and 86—laid on the table, 87.
- To provide for the compensation of the officers of the Legislative Assembly and for other purposes, first and second reading, 92—passed Council, 92—passed H. of Reps., 101—other proceedings, 102, and 105—approved, 108.

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- To provide for the location of the seat of justice of Green county—received from H. of Reps. 42—first reading, 46—proceedings before passage, 53, 66 and 71—passed Council, 73—other proceedings, 78, 85 and 87—approved, 90.
- To organize the counties of Manitowoc and Sheboygan—received from H. of Reps., 54, first reading, 54—proceedings before passage, 62 and 63—passed Council, 66—other proceedings, 75 and 77—approved, 78.
- To provide for the destruction of wolves—received from H. of Reps., 62—first reading, 65—proceedings before passage, 67, 68, 73 and 76—passed Council, 77—other proceedings, 78, 85 and 87—approved, 90.
- To prevent stallions in certain cases from running at large—received from H. of Reps., 62—first reading, 65—proceedings before passage, 67, 73 and 74—passed Council, 75—other proceedings, 78, 85 and 87—approved, 90.
- To lay out and establish certain territorial roads—received from H. of Reps., 78—first reading, 79—proceedings before passage, 84—passed Council, 86—other proceedings, 89, 90 and 93—approved, 93.
- To provide for laying out and establishing certain territorial roads therein named—received from H. of Reps., 89—first reading, 96—proceedings before passage, 98—passed Council, 99—other proceedings, 104, 105 and 107—approved, 108.

- To provide for laying out and establishing a territorial road from the south line of the Territory, in the town of Beloit to Madison, in the county of Dane—received from H. of Reps., 95—first reading, 96—proceedings before passage, 97—passed Council, 99—other proceedings, 104 and 107—approved, 108.
- To incorporate the Dodgeville mining company—received from H. of Reps., 95, first reading, 96—proceedings before passage, 99—passed Council, 99—other proceedings, 104 and 107—approved, 108.
- To amend an act entitled an act in relation to the evidences of title to lands in the Territory of Wisconsin—received from H. of Reps., 95—first reading, 96—proceedings before passage, 98 and 99—passed Council, 99—other proceedings, 104 and 107—approved, 108.
- To provide for laying out a territorial road from Milwaukee to Beloit—received from H. of Reps., 95—first reading, 96—proceedings before passage, 98—passed Council, 99—other proceedings, 104 and 107—approved, 108.
- Authorizing the commissioners of Milwaukee county to procure certain records of titles therein mentioned—received from H. of Reps., 95—first reading, 96—proceedings before passage, 98—passed Council, 99—other proceedings, 104 and 107—approved, 108.
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